



15 July 2020

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew and T Campbell  
Councillors – J Archibald, H Cushinan, S Flanagan,  
R Kinnear, M Magill, S Ross, R Swann and B Webb

Dear Member

#### **MEETING OF THE PLANNING COMMITTEE**

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 20 July 2020 at 6.00pm.**

All Members are requested to attend the meeting via "Zoom".

To ensure social distancing it is only possible to facilitate 11 Members in the Council Chamber. Priority admission will be given to Committee Members, this does not affect the rights of any Member participating in the meeting.

Yours sincerely

A handwritten signature in black ink that reads "Jacqui Dixon".

Jacqui Dixon, BSc MBA  
**Chief Executive, Antrim & Newtownabbey Borough Council**

**PLEASE NOTE: refreshments will not be available.**

**For any queries please contact Member Services:**

Tel: 028 9034 0048 / 028 9448 1301  
[memberservices@antrimandnewtownabbey.gov.uk](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – JULY 2020**

**Part One** - Any matter brought before the Committee included in this part of the Planning Committee agenda, including decisions relating to the Local Development Plan, will require ratification by the full Council.

**Part Two** - The Planning Committee has the full delegated authority of the Council to make decisions on planning applications and related development management and enforcement matters. Therefore, the decisions of the Planning Committee in relation to this part of the Planning Committee agenda do not require ratification by the full Council.

- 1 Apologies.
- 2 Declarations of Interest.
- 3 Report on business to be considered:

### **PART ONE**

- 3.1 Delegated planning decisions and appeals June 2020
- 3.2 Northern Ireland Planning Statistics 2019-20 Annual Bulletin
- 3.3 Section 54 Application LA03/2019/0751/F (Hightown Quarry) - Consultation by DfI
- 3.4 Correspondence from DfI re: NI Planning IT System Contract Award
- 3.5 LDP – Quarterly Update
- 3.6 Planning Enforcement Report 2019-20 - Quarter 4 – In Confidence
4. Any Other Business

### **PART TWO - Decisions on Planning Applications**

- 3.7 Planning Application No: LA03/2020/0031/F  
Retention of existing mixed use retailer (Poundland) at Retail Warehouse Unit 2, The Junction Factory Outlet & Retail Park, 111 Ballymena Road, Antrim
- 3.8 Planning Application No: LA03/2019/0928/F  
Erection of 2no. detached dwellings (and retention of existing dwelling) on lands at 34 Glebecoole Park, Newtownabbey
- 3.9 Planning Application No: LA03/2020/0258/DCA  
Demolition of dwelling and outbuildings at 51b Riverside, Antrim
- 3.10 Planning Application No: LA03/2020/0260/F  
Replacement of redundant non-residential building and yard with single storey dwelling and garage including lands returned to grassland on lands 20m NW of 46 Kingsmoss Road, Newtownabbey

3.11 Planning Application No: LA03/2020/0278/O

Site of dwelling and garage on a farm on land adjacent to and approximately 45m North of 56 Carnanee Road, Templepatrick

3.12 Planning Application No: LA03/2019/0822/F

Proposed dwelling and integral garage (Change of house type in substitution of approval LA03/2017/1027/RM) at lands 50m NE of 101 Oldstone Road, Killealy, Muckamore

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE  
PLANNING COMMITTEE ON 20 JULY 2020**

**PART ONE**

**GENERAL PLANNING MATTERS**

### ITEM 3.1

#### P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during June 2020 under delegated powers is enclosed for Members attention together with information received this month on planning appeals.

Members should note that the enclosure includes a separate list of 5 appeals registered on the Planning Appeals Commission website that the Council has yet to be formally notified of due to delays being experienced by the PAC arising from COVID-19. This list includes details of the 2 Non-Determination appeals presented to the June Committee meeting.

In addition, Members may wish to note that the list of delegated decisions for June includes an approval for the application below that was presented to the February meeting of the Committee. Members had agreed to defer the application to provide an opportunity to the applicant to submit a bat survey by June 2020 and furthermore provided delegated authority to Officers to issue a grant of planning permission subject to standard conditions if the bat survey did not present an impediment to the development proposed. On receipt of the bat survey and following consultation with NIEA, Officers were able to process the application to an approval on 8 June 2020.

<b>APPLICATION NO</b>	<b>LA03/2019/0707/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>PROPOSAL</b>	Proposed demolition of existing store and extension to rear of existing public house comprising store and 2no self-catering apartments
<b>SITE/LOCATION</b>	2 Taylorstown Road, Moneyglass, Toomebridge, BT41 3PU
<b>APPLICANT</b>	Colm McCoy

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

## ITEM 3.2

### **P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS – ANNUAL STATISTICAL BULLETIN FOR 2019-2020**

The Northern Ireland Planning Statistics 2019-20 Annual Statistical Bulletin, a copy of which is **enclosed**, was released on 2 July 2020 by the Department for Infrastructure's Analysis, Statistics and Research Branch. This is the fifth annual statistical report on activity and performance since the transfer of planning powers to Councils in 2015.

The figures show that during 2019-20, the total number of planning applications received in Northern Ireland was 12,207, a decrease of nearly 3% on the previous financial year. The figures also highlight that 11,747 decisions were issued across Northern Ireland, a decrease of over 3% on the previous year.

Notwithstanding the decrease in applications received across Northern Ireland during 2019-20, the local figures for the Antrim and Newtownabbey Borough show an increase of almost 5% from 744 applications received in 2018-19 to 778 received during 2019-20. During the same period 747 decisions were issued by the Planning Section, similar to the number in 2018-19. The Council recorded an overall approval rate of 94.8% which compares favourably with the Northern Ireland average of 94%.

There were 221 live cases in the Borough at 31<sup>st</sup> March 2020 slightly below the number (226) recorded at 31<sup>st</sup> March 2019. Members will however wish to note that the absolute number of applications more than 12 months old reduced to single figures (8 applications) and this equates to some 3.6% of the Council's live planning applications. This is the lowest proportion of all 11 Councils and also represents the lowest number of older applications recorded at year end by the Council since transfer demonstrating the Planning Section's commitment to reduce backlog.

#### **Performance against statutory targets**

In relation to performance against targets the Department for Infrastructure (DfI) figures show that the Council met all the statutory targets this year, one of only two Councils to do so. This is also the second year running the Council has met the statutory targets and once again demonstrates the commitment of the staff in the Planning Section to work in an efficient and effective manner.

#### **Major Applications**

The Council took on average 24.6 weeks to process and decide **Major** planning applications during 2019-20 against the target of 30 weeks. This performance ranks second out of the 11 Councils, is well ahead of the NI average of 52.8 weeks, and represents an improvement on the position recorded last year. In total 10 Major applications were decided by the Committee during 2019-20, comprising 7 approvals and 3 refusals. There were 2 major applications withdrawn. The Council recorded the second highest proportion of major applications processed within the target at 58.3% compared to an average across all Councils of 26.1%. Given the economic importance of the major caseload to the Borough and to assist recovery from COVID-19, the Planning Section continues to prioritise this work area.

### **Local Applications**

The DfI figures show that the Council took on average 9.4 weeks to process and decide **Local** planning applications during 2019-20 against the target of 15 weeks. This performance is a significant improvement against 2018-19; marks the first time the Council has recorded an average performance under 10 weeks; and ranked second out of the 11 Councils where an average processing time of 14 weeks across all Councils has been recorded. In relation to the proportion of cases processed within target Members should note that the Council ranked first out of all 11 Councils with over 80% of cases processed, an improvement of some 10% over 2018-19.

### **Enforcement**

In relation to enforcement the DfI figures highlight that the Council's Planning Enforcement Team concluded over 98% of cases within 39 weeks against the performance target of 70%. The team recorded an average time of 7 weeks, to process 70% of enforcement cases to target conclusion compared to an average of 25 weeks across all Councils. This maintained the Council's strong performance recorded over the last 4 years in enforcement and once again the Council ranked first out of all Councils on the two processing targets.

### **Summary**

In summary, the Council has again improved its performance overall this year when measured against the 3 statutory indicators, meeting all targets for the second year running. In addition, the backlog of applications over 12 months old has been reduced to single figures. The Council ranked first amongst all 11 Councils on three of the statutory performance measures and second in relation to the remaining three. Read in their entirety, the statistics suggest that the Council's Planning Section is the top performing Local Planning Authority in Northern Ireland.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### ITEM 3.3

#### **CONSULTATION BY THE DEPARTMENT FOR INFRASTRUCTURE (DFI) UNDER ARTICLE 13 OF THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NI) 2015 – SECTION 54 APPLICATION MADE TO DFI TO VARY PLANNING CONDITIONS ATTACHED TO PLANNING PERMISSION LA03/2019/0751/F**

The Department for Infrastructure has issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following Section 54 application (copy **enclosed**).

**Application Reference:** LA03/2019/0751/F

**Proposal:** Planning Application for modification of planning condition No. 7 (to increase annual waste tonnage from 180,000 to 280,000 tonnes per annum) and condition 11 (cell numbering/order of phasing) of planning approval Ref: U/2014/0096/F which was for a quarry and inert landfill.

**Location:** Hightown Landfill, 59 Upper Hightown Road,  
Newtownabbey BT14 8RR

**Applicant:** Macwill Services

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

This Section 54 application is seeking to vary two conditions attached to planning permission U/2014/0096/F for a quarry and inert landfill site that was processed as a retained application by the Department for Infrastructure and ultimately approved in December 2017 following consultation with the Council.

As the application is seeking to vary conditions attached to a planning permission granted by the Department, the current legislative framework introduced on the transfer of the bulk of planning responsibilities to Councils in April 2015 requires that the Section 54 application be processed and determined by the Department for Infrastructure (DfI).

The application proposes (a) to increase the annual throughput of the approved facility by 100,000 tonnes from 180,000 to 280,000 tonnes waste per annum. The applicant has indicated this is necessary as the current limitation would not be sufficient to meet market demand for inert infilling in future years; and (b) to amend the cell numbering on the approved plans to assist in the orderly development and restoration of the site. Further detail on the applicant's rationale for these changes is provided in a supporting statement submitted to accompany the application, a copy of which is **enclosed** for information.

The Council is one of a number of bodies which has been consulted on this application by DfI. Any comments made by the Council will be considered as part of the processing of the application together with all other consultation replies and other representations received. In addition, while the Council is a statutory

consultee, there is no obligation on the Council to provide a corporate view on the development.

When considering the application DfI will follow the procedure laid down in Article 21 of the Planning (General Development Procedure) Order (NI) 2015. Under this legislative provision, DfI may cause a Public Local Inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Where a public inquiry is not held, Article 21 sets out that the Department must, before determining the application, serve notice in writing on the applicant and the appropriate Council indicating the decision it proposes to make on the application. Within 28 days of such notice the applicant or Council may request an opportunity of appearing before and being heard by the Planning Appeals Commission or a person appointed by the Department for that purpose. Whichever route is followed the decision of the Department on these applications shall be final.

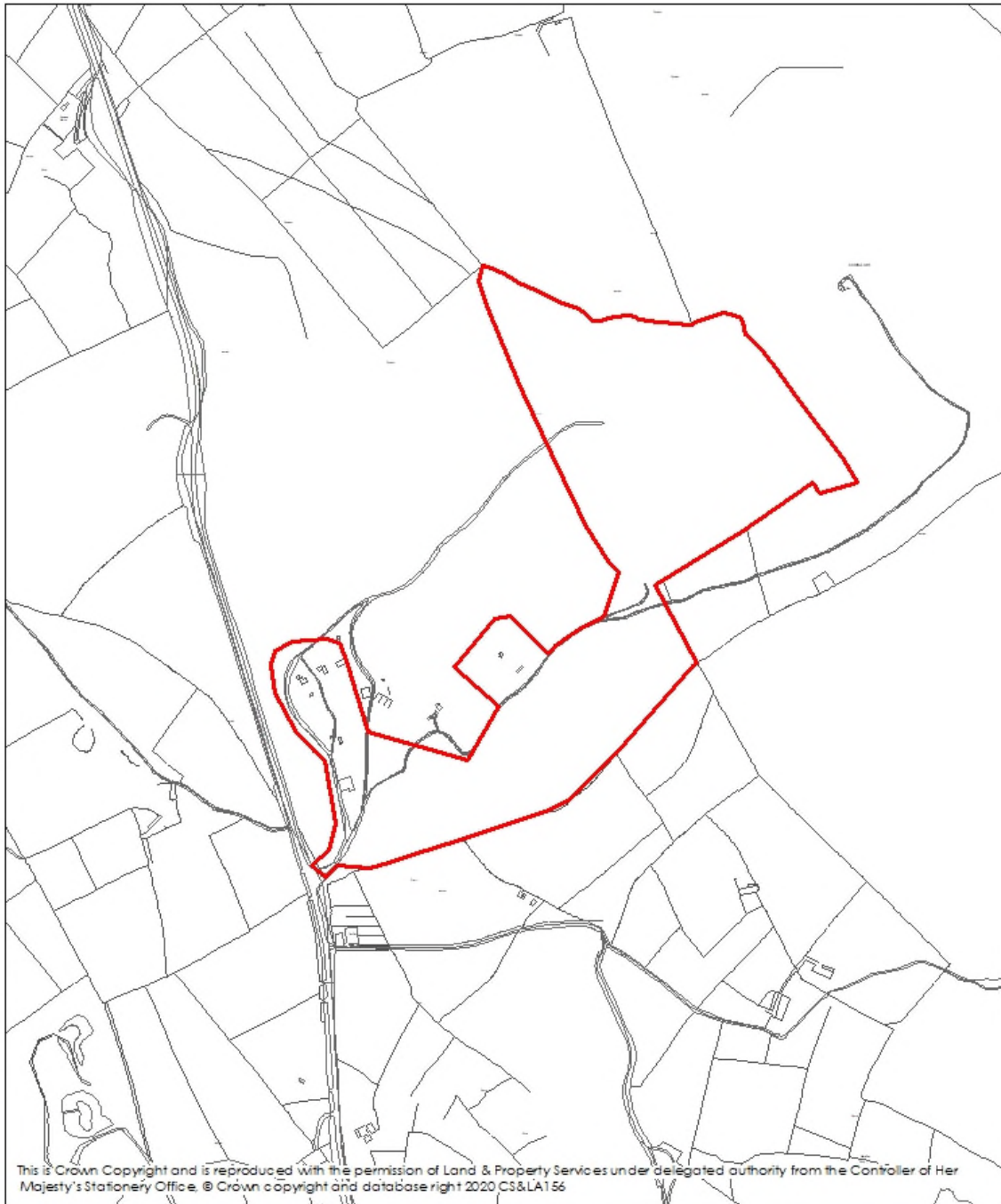
There are a number of options available to the Council in responding to the consultation by DfI:

1. Provide a corporate view in support of the development.
2. Provide a corporate view opposing the development.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.
4. Linked to any of the above options indicate corporately whether the Council would or would not support the holding of a Local Public Inquiry.

**Members' instructions are requested.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning




### Location Map

Application Reference: LA03/2019/0751/F.

Location: Hightown Landfill, 59 Upper Hightown Road, Newtownabbey.

Proposal: Planning application for modification of planning condition no. 7 and no. 11 of U/2014/0096/F.

 Site Boundary



0 225 450  
Metres



### **ITEM 3.4**

#### **P/PLAN/016 CONTRACT AWARD FOR REPLACEMENT OF THE NI PLANNING PORTAL**

Members are aware that the Council recently agreed to participate in the procurement of a new Regional Planning IT system to replace the current NI Planning Portal.

The Department has now written to the Council (copy **enclosed**) to confirm that on 26 June 2020 a £14m contract was awarded to Terraquest to deliver the new modern regional IT system. Work will now be advanced with the new system scheduled to begin rollout towards the end of 2021.

Following the award of contract and the issuing of a Press Release by the Department the Council also issued its own Press release. Copies of both are **enclosed** for Members information

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

## **ITEM 3.5**

### **P/FP/LDP 1 LOCAL DEVELOPMENT PLAN; QUARTERLY UPDATE APRIL 2020 TO JUNE 2020**

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the first quarter of the 2020-21 business year (April 2020 to June 2020).

#### **Coronavirus (COVID-19) Pandemic**

As the Council responds to coronavirus (COVID-19), the Forward Planning team is continuing to progress work on the preparation of the Local Development Plan, albeit within a more limited capacity.

In light of the pandemic, Officers have been reviewing the Council's Statement of Community Involvement (SCI) to ensure continued compliance with the Planning (SCI) Regulations (NI) 2015.

Following the Chief Planner's Update (No.6) issued on 1 May 2020, Members may wish to note that the Department has provided a further 3 months flexibility for LDP Timetables from that previously agreed. This now allows for a maximum of 6 months deviation from the estimated timescales outlined in a LDP Timetable before a Council needs to formally revise its published document. On this basis, the Council now has until September 2020 to submit the draft Plan Strategy documentation to DfI/PAC to cause an Independent Examination into the Plan document.

#### **Preparation for Independent Examination**

In preparation for Independent Examination of the draft Plan Strategy before the Planning Appeals Commission (PAC), Officers are continuing to prepare the following documentation:

1. Collation of electronic and hard copies of LDP documentation (from publication of the Statement of Community Involvement through to publication of the draft Plan Strategy);
2. Draft Plan Strategy Public Consultation Spreadsheet and Main Issues Report: A detailed summary of all the issues identified as a result of representations to the draft Plan Strategy public consultation (including counter representations) has been captured in a spreadsheet. This document provides a draft response by Officers to all the issues raised. Members are reminded that a total of 122 written representations were made in response to the formal public consultation (undertaken from 26 July to 30 September 2019) on the Council's Local Development Plan draft Plan Strategy. In addition, a summary of the main issues raised is being prepared in a separate Main Issues Report. Following consultation to be programmed with Members over the summer and subject to formal Council approval, it is expected that both these documents will be submitted to DfI/PAC by the end of September;
3. Soundness Report: In compliance with the Department's Development Plan Practice Note 6 'Soundness' (May 2017) Officers have drafted a comprehensive Soundness Report relating to the draft Plan Strategy.

Section 102 (2) (b) of the 2011 Planning Act states that a Council must not submit a Development Plan document to the Department unless it considers that the document is ready for Independent Examination (IE).

Section 10(6) provides that the purpose of the IE is to determine:

- (a) whether the document submitted i.e. the draft Plan Strategy, satisfies the legislative and procedural requirements relating to it; and
- (b) whether it is sound.

Accordingly, the Soundness Report forms a key requirement of the documentation to be submitted to DfI/ PAC for an Independent Examination to be held into the draft Plan Strategy. Officers are currently working through this document with the Council's Legal Services team.

- 4. Position Papers: A number of position papers are being prepared in relation to matters raised in consultation responses relating to the Council's approach to housing in the draft Plan Strategy with a particular focus on the implications of the refreshed Housing Growth Indicators published by DfI and affordable housing. In addition, a position paper is being prepared to consider the impact of COVID 19 on our evidence base for the economy.

#### **Other Matters**

Whilst the Forward Planning Team continues to engage electronically with statutory agencies during the pandemic regarding plan matters and cross boundary issues, no formal meetings took place during this period.

**RECOMMENDATION: that the report be noted.**

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

**PART TWO**

**PLANNING APPLICATIONS**

<b>COMMITTEE ITEM</b>	<b>3.7</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0031/F</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>MAJOR DEVELOPMENT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Retention of existing mixed use retailer (Poundland)
<b>SITE/LOCATION</b>	Retail Warehouse Unit 2 The Junction Factory Outlet & Retail Park 111 Ballymena Road Antrim
<b>APPLICANT</b>	Dealz
<b>AGENT</b>	TSA Planning
<b>LAST SITE VISIT</b>	April 2020
<b>CASE OFFICER</b>	Michael O'Reilly Tel: 028 90340424 Email: <a href="mailto:michael.oreilly@antrimandnewtownabbey.gov.uk">michael.oreilly@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site comprises Unit 2 at the Junction Retail and leisure Park, 111 Ballymena Road, Antrim. This retail and leisure complex is located on an area of unzoned (white) land within the development limits of Antrim Town, as identified in the adopted Antrim Area Plan 1984 – 2001.</p> <p>The building which is the subject of this development proposal is the existing Poundland Outlet store. The agent has indicated that the store has been trading from this location since September 2015.</p> <p>The Poundland store is located at the northern periphery of the retail and leisure park and within the original parade of retail warehouse units. The subject building comprises slightly more than 1,000 sqm of retail floorspace and sits alongside the Nike Factory Store, the Omni-Plex cinema, B &amp; M Bargains (a mixed use discount retailer) and new food and beverage outlets located in the car park area to the south and southeast of the subject unit. Further west and southwest of the subject building is the Factory Outlet Centre.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/1999/0340  Location: Land northwest of new roundabout at Ballymena Road and Stiles Way (bounded by TESCO distribution centre on north west and Enkalon site on southwest), Antrim  Proposal: Site of retail and leisure park including Factory Outlet Centre  Decision: Permission Granted: 06.11.2001</p> <p>Planning Reference: T/2002/0222/RM  Location: Land West of Ballymena Road, Antrim</p>	

Proposal: Erection of Factory Outlet Centre, including management suite, non-food retail warehousing, 1 No. restaurant, children's play area and adult rest rooms and associated internal access roads, car parking and landscaping  
Decision: Permission Granted: 22.01.2003

Planning Reference: T/2002/0727/RM

Location: Land West of Ballymena Road, Antrim.

Proposal: Erection of a leisure facility including a cinema/gym, management suite, restaurant area, driver's rest areas, public toilets and a children's play area.

Decision: Permission Granted: 22.01.2003

Planning Reference: T/2010/0002/F

Location: Land 150m south west of Lidl supermarket, Junction One, Ballymena Road, Antrim.

Proposal: Change of use from business units permitted under T/2006/0887/F to incorporate relocation of 2,200sqm of retail warehousing/factory outlet centre floorspace permitted under T/2002/0222/RM and T/2005/0169/F respectively (no new retail floorspace), including retention of units 13 & 14 and 70sqm of unit 12 as business trade units (class B1b Call centre, B1c research and development, B2 light industry, B4 storage and distribution)

Decision: Permission Granted: 26.02.2010

Planning Reference: T/2012/0211/F

Location: B and M Retail Ltd, Unit 3, Junction One Retail Park, Antrim,

Proposal: Amendment to Condition 9 of outline approval T/1999/0340/O to allow mixed retailing in Unit 3 at Junction One Retail Park Antrim (Retrospective)

Decision: Permission Granted: 20.08.2013

Planning Reference: T/2014/0507/F

Location: Land West of Ballymena Road Antrim - Approximately 390m North West of Stiles Way Roundabout Antrim.

Proposal: Change of use of Unit 2 to incorporate relocation of 1,100sqm of the 2,200sqm of factory outlet centre/retail warehousing floorspace permitted under T/2010/0002/F (no new floorspace)

Decision: Permission Granted: 30.07.2015

Planning Reference: LA03/2017/0234/O

Location: Junction One Retail and Leisure Park, Ballymena Road, Antrim,

Proposal: Outline masterplan to facilitate the comprehensive regeneration of Junction One, including the Factory Outlet Centre, Retail and Leisure Park, and vacant lands. Proposals include demolition and reconfiguration of existing buildings; erection of new buildings to include provision of restaurants/coffee shops, bulky goods retail warehousing, retail kiosks, indoor leisure and factory outlet units; creation of new children's play area, outdoor multi-purpose recreational facility, new gateway entrance road and re-configuration of internal road network; reconfiguration of car parking; provision of environmental improvement scheme featuring hard/soft landscaping and all associated site works (Proposed Master Plan layout to also incorporate the re-configuration of existing car park and 2 No drive thru restaurants/cafes, 1 No ancillary external seating area and 1 No ancillary children's play area granted planning permission by LA03/2017/0014/F)

Decision: Permission Granted: 18.12.2017

## PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001 (AAP): The application site is located within the settlement limit of Antrim on unzoned land. Paragraphs 16.6 and 16.14 of AAP provide policy advice regarding the development of unzoned white land and the role of the Central Area of Antrim as the main focus for shopping respectively.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

SPPS: Town Centres and Retailing: sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

## CONSULTATION

**Council Environmental Health Section** – No objection.

**Department for Infrastructure Roads** – No objection.

## REPRESENTATION

Five (5) neighbouring properties were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Retail Impact
- Planning History

- Traffic and Transport
- Socio-Economic Matters

### **Policy Context and Principle of Development**

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The application site is located within the settlement limits of Antrim Town as identified in AAP. Paragraph 16.6 of the Plan titled "Unzoned Land" states that proposals for development will be considered provided the uses are satisfactory for the locations proposed and that no physical or other problems are involved. Paragraph 16.14 of AAP states that the policy of the planning authority will be to consolidate the Central Area of Antrim as the main focus for shopping. It identifies that major shopping developments outside the Central Area will be resisted as being inconsistent with this policy. Paragraph 16.14 concludes by saying that if it can be demonstrated to the planning authority that sites suitable for these uses are not available in the Central Area, consideration will be given to locating them on unzoned lands within the development limit.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in PPS 3: Access, Movement and Parking, which provides additional relevant regional planning policy for consideration of the proposal.

As the proposed development is retail based, the SPPS requires that the planning authority must adopt a "Town Centre First" approach for retail and main town centre uses. Paragraph 6.280 of the SPPS requires that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local development plan. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused. Paragraph 6.283 of the SPPS requires that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the local development plan should be required to undertake a full assessment of retail impact as well as need. Paragraph 6.282 states that an assessment of need may incorporate a quantitative and

qualitative assessment of need taking account of the sustainability and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

The consideration of these matters is set out below.

### **Retail Impact**

As noted above, the Antrim Area Plan (AAP) states that the policy of the planning authority will be to consolidate the Central Area of Antrim as the main focus for shopping. It indicates that major shopping developments outside the Central Area will be resisted as being inconsistent with this policy, but further advises that if it can be demonstrated to the planning authority that sites suitable for these uses are not available in the Central Area, consideration will be given to locating them on unzoned lands within the development limit. Subsequent to the adoption of AAP policy relevant to town centres and retail use is provided by the SPPS that: requires the planning authority to adopt a 'Town Centre First' approach for retail and main town centre uses; that a sequential test should be applied for main town centre uses that are not in an existing centre and are not in accordance with an up to date local development plan; and that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the local development plan should be required to undertake a full assessment of retail impact as well as need.

This application seeks retrospective planning permission for the use of Unit 2 to permit the mixed trading of convenience and comparison (bulky and non-bulky) goods for the current occupier, Poundland Outlet, which, the agent advises, has been trading at the Unit since September 2015. The agent also advises that there is no intention to increase the level of floor space nor the appearance of the building.

Poundland is a discount retailer offering a wide range of goods in the following areas; food and drink, health and beauty, home and pet, gardening, leisure and entertainment, stationery and crafts, party and celebrations.

Whilst it is acknowledged that planning permission was granted for retailing at The Junction, including this store, the core permission (application references: T/1999/0340 & T/2002/02222/RM), contained conditions that limit the types of goods that could be sold or that they had to be sold at discounted prices, below that available in other retailing centres.

The current application for retrospective consent is therefore seeking to allow for a relaxation in the type of goods that are permitted to be sold from Unit 2 in order to meet the mixed retail trading format of the Poundland store and its High Street pricing structure as the goods sold within the store are not discounted as required by the planning conditions on the core permission.

### **Catchment Area**

The first matter to consider with respect to the sequential test set out at paragraph 6.280 of the SPPS is the establishment of the catchment area for the proposal. The agent states that the catchment for the proposal has been based on the proposal expecting to draw trade from within a 10 minute drive time as Poundland is a mixed

retail offer broadly comparable with a supermarket and for which a 10 minute drive time is appropriate. Other matters highlighted by the agent as supporting the catchment area identified is that Poundland is not a significant trade generator in its own right and instead benefits from the adjacent footfall generators at The Junction for its trade via linked and joint trips and that the 10 minute drive time catchment area is reflective of the fact that it is not a main food location with the majority (60%) of its trade draw coming from residents within 0 – 5 minutes of the store.

The catchment area for the proposal is identified by the agent as encompassing most of the north and southwest of the Antrim and Newtownabbey Borough and includes several strategic roads and transport corridors such as the M2, M22, A57, A6 and A26. Existing centres which fall within this catchment are Antrim Town Centre and Randalstown Town Centre. To further support the catchment defined the agent references the findings of the 'Retail and Commercial Evidence Paper', undertaken by Nexus on behalf of the Council to inform preparation of the Borough's emerging new Local Development Plan. This states that most of the visits to Antrim Town Centre were from Zone 1 (Antrim Area) whilst most trips to Randalstown were from Zone 5 (Randalstown Area).

With reference to the points made by the agent it is accepted that Poundland is a mixed retail offer broadly comparable to a supermarket and that a 10 minute drive time is appropriate for consideration of the current application.

#### Sequential Site Selection

By way of background to the sequential test carried out by the agent it is stated that the operational requirements for Poundland include;

- Need for single storey shop floor to accommodate grocery shopping with the use of shopping trolleys provided for.
- Immediately accessible and convenient on-site parking for patrons with loaded trolleys.
- A floorspace requirement of circa 1,100 square metres of gross floor space; and
- Direct access for Heavy Goods Vehicles to service the unit.

It is this set of characteristics that the agent uses to determine whether or not a 'like for like' unit exists elsewhere (based on a sequential search). The agent also cites the Tesco Stores Ltd V Dundee City Council 2012 Judgement in respect of the suitability of sites to accommodate the Poundland store. The agent states that the judgement clarifies that in respect of sequential assessments, it is the proposal which the developer is seeking permission for that must be considered when assessing whether or not a suitable site is available within the town centre.

Based on the defined catchment for the store noted earlier the town centres to be assessed are Antrim Town Centre and Randalstown Town Centre. With respect to these centres four sites were studied.

The first site, Nos. 52 – 55 High Street, Antrim, is discounted by the agent as the size of the unit is not suitable; it is just under half the size required to accommodate the proposal (496 square metres) and is split across two floors and would therefore not be suitable for Poundland's operational requirements. Additionally, no car parking provision is allocated to the unit. The agent notes lastly that this site is in very close

proximity to Poundland's existing store at Castle Mall, which is trading well, and that it would be unviable to locate two Poundland stores in such close proximity to one another. The conclusion drawn is that this site is unsuitable and unviable.

The second site, Castle Mall Shopping Centre, is discounted by the agent as Poundland currently operates within the shopping centre and he contends that it would be unreasonable to require the applicant to locate a further Poundland store within the shopping centre. The conclusion drawn is that this site is unsuitable and unviable.

The third site, Unit 2, Castle Walk, the Castle Centre, Antrim, is discounted by the agent as the size of the unit, some 80 square metres, is not suitable to accommodate the proposal and this unit is in close proximity to the existing Poundland Store within the Castle Centre. The conclusion drawn is that this site is unsuitable and unviable.

Whilst the Council is aware that there are some undeveloped sites within Antrim Town Centre that are available, for example the Ulster Bar Corner, it is accepted that the Tesco Stores Ltd V Dundee City Council Judgement clarifies that it is the proposal that the developer seeks permission for that must be assessed. In this respect the Ulster Bar Corner site is vacant, not developed and therefore not capable of occupation by this user and its operational requirements who normally lease premises.

The fourth site, No's 22-24 New Street, Randalstown, is discounted by the agent given the size of the unit at 460 square metres is once again not suitable to accommodate the proposal and is split across two floors. The conclusion drawn is that this site is unsuitable and unviable.

With respect to the agent's assessment of available premises within both Antrim and Randalstown Town Centres sites it is accepted that there are no viable sites to accommodate the floorspace and operational requirements of the proposal.

In addition to the two town centres studied by the agent, 'Edge of Centre Sites' have also been considered. This includes sites within 200 – 300 metres of the town centres and the conclusion drawn is that there are no sites available.

On the basis that the agent has demonstrated that there are no suitable or viable sites within the town centres of Antrim or Randalstown and that there are no available sites at 'edge of centre' locations, it is accepted that an 'out of centre' location, such as the application site, is a sequentially preferable location within the catchment area. Given this conclusion it is considered that the policy provisions of the AAP with respect to the availability of sites within the Central Area and the sequential test advocated by the SPPS has been satisfied.

#### Need

The agent has advised that the breakdown for areas of floor space dedicated to convenience and comparison goods are; 10% (82 sq.m) 'Bulky Comparison' goods, 58% (474 sq.m) 'Non-Bulky Comparison' and 32% (262 sq.m) 'Convenience Goods'.

Unit 2 from which the Poundland Outlet store operates from was granted planning permission as a retail warehouse via planning permission reference T/1999/0340/O. This form of use relates to the retail sale of bulky comparison goods and for this reason

it is considered that the bulky comparison goods element of the proposal, which accounts for approximately 10% of the overall floor space, does not require to be assessed for 'need'.

When discussing the need for convenience goods floor space the agent seeks to rely upon the Nexus Retail and Commercial Evidence Paper which indicates that there was 16,500 sq.m of convenience goods capacity within the Borough in 2018 and with a continued interest to 17,600 sqm by 2030. The agent concludes by saying that as the convenience goods floor space element of the proposal already existed in the unit back in 2018 there is clear capacity for convenience goods without any significant detrimental impact on current retail provision.

Referring to the capacity for comparison goods the agent again seeks to rely upon the Nexus Evidence Paper and comments that as the paper states that there is a negative capacity for comparison goods within the Borough at -21,000 sq.m. The deficit in comparison goods expenditure is identified by Nexus in its evidence paper as being due to the larger geographic area covered and the level of unbuilt floor space.

The agent comments that a simple view of the proposal would be that by decreasing the level of floor space for bulky goods in favour of additional floorspace convenience goods floor space (for which there is identified capacity) would go some way towards addressing this imbalance.

#### Quantitative Need, Population Growth and Expenditure on Goods

The agent states that overall the total catchment population is projected to grow by 319 persons to 36,824 between the 2019 base year to 2022. That convenience good expenditure per head is projected to increase by £15.22 to £2186.72 by 2022 and that comparison good expenditure is anticipated to increase by £327.99 to £3,888.09 by 2022.

Within the 0-5 minute drive time area the convenience expenditure available to Poundland will increase by approximately £200K to £21,317,552 by 2022 and that for the 5-10 minute drive time catchment area there is an anticipated increase of £519,511 bringing the level of expenditure to £55,501,821 by 2022.

With reference to comparison goods expenditure the agent comments that there is an anticipated growth of £8,119,707 between 2019 and 2022. He goes on to state that as the store offers a range of both bulky and non-bulky comparison goods the total available comparison expenditure has been broken down to account for bulky and non-bulky items. This was done through using a methodology of a 75 /25 % (non-bulky/ (bulky) split as presented in an evidence paper being relied upon by Belfast City Council (BCC) as part of their retail analysis in the preparation of their Local Development Plan. In that paper it is stated that the highest level of comparison goods growth is non-bulky goods which will retain approximately £6,089,780.25 of the overall projected expenditure growth within the catchment of this proposal.

Referring to qualitative need the agent states that the store has traded profitably for over 4 years demonstrating that there is quantitative expenditure available and that qualitatively it has meant that the unit has not been lying vacant. The agent also comments that if planning permission was granted for this proposal, a key multi-

national and popular retailer would be retained at The Junction and would also maintain consumer and investor confidence within this area of Antrim Town. It is stated that there is a clear qualitative benefit to Poundland occupying Unit 2 from a consumer and investor confidence perspective. The conclusion of the agent is that there is a clear expenditure growth for convenience and comparison goods within the catchment up to 2022, the latter of which relates specifically to non-bulky comparison goods and that subsequently the proposal satisfies the parameters of the 'Need Assessment' as set out in the SPPS.

Officers consider that only limited reliance can be given to the BCC evidence paper with respect to the 75/25% split in comparison expenditure for bulky and non-bulky goods put forward by the applicant. This evidence paper sets out an approach to the analysis of comparison goods that BCC appears to be using as evidence associated with the preparation of its own local development plan, which has no bearing to this Council's approach to its interpretation of either the Antrim Area Plan or the SPPS.

Notwithstanding this point, it is nevertheless considered that the totality of the information presented by the agent has reasonably demonstrated that there is both a quantitative and qualitative 'need' for the proposal at this location which satisfies the policy provisions of the SPPS.

#### Retail Impact Assessment

With reference to the retail impact of the proposal as set out in the agents supporting planning statement, the identified impacts of the proposal are that;

- The trade diversion across the catchment area is between 2% and 5% in respect of convenience and non-bulky comparison goods and is not considered harmful to existing retailers.
- The biggest retailers affected are those of a similar trading format to that of Poundland and include B+M, Poundstretcher and Poundland (Castle Centre), however, competition between retailers is good for business in terms of market awareness and higher levels of consumption.
- Whilst Poundland sells similar types of products to retailers within the catchment at discounted prices, the level of floor space dedicated to a particular type of product within the existing Poundland store could be significantly low, therefore, providing a limited product range and selection (when compared) to that of larger format retailers selling a dedicated product range; hence the small levels of trade diversions.
- The proposal will have no adverse impact on existing and committed development within the catchment.

The agent then goes on to conclude that the impact from the proposal on the retail hierarchy within the catchment area is not of such significance that it would have a negative impact on the vitality and viability of either Antrim or Randalstown Town Centres and therefore satisfies the relevant policy test of the SPPS. The conclusion made by the agent is that there will not be an unacceptable negative impact on the vitality and viability of either Antrim or Randalstown Town Centre.

#### Retail Impact Summary

The presence of a viable Poundland store, currently operating and trading well within the Town Centre is significant. In addition, it has been demonstrated that there is a lack of any viable vacant units within the town centres of Antrim or Randalstown. It is

considered that the retention of the store within the existing retailing area of The Junction is sequentially preferable to other areas of Antrim Town. On balance it is considered that the retention of the store at this location is acceptable with respect to the sequential site selection, assessment of need and the retail impact of the proposal and as a consequence it is considered to comply with the policy provisions of the SPPS and the Antrim Area Plan.

In addition to the retail assesment it is important to also consider the planning history of the unit. The Junction Retail and Leisure Park has very specific planning conditions associated with it, in terms of the types of retailing that may lawfully occur within the complex. The acceptability of the Poundland Store with respect to the planning history of The Junction and the retail offer provided by Poundland Outlet store is set out below.

### **Planning History**

As set out in the planning history section of this report there are several planning history records associated with both Unit 2 and the wider retail and leisure park that are relevant to the assessment of this proposal.

The core planning permission pertinent to this proposal is T/1999/0340/O, which granted planning permission for a retail and leisure park including a factory outlet centre. This planning permission imposed conditions with respect to the nature of the retail offer associated with both the retail warehouse element and factory outlet centre.

Condition 5 relates to the Factory Outlet Centre which states;  
The 13,020 square metres of Factory Outlet gross retail floorspace hereby approved shall be used for the purposes of specialised retailing and for no other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989.

For the purposes of this condition specialised retailing means clearance stores operated by: -

- (a) manufacturers;
- (b) retailers who do not directly manufacture but who own their own brand, or
- (c) the franchises or licensees of such manufacturers or retailers in each case selling, at discount prices, their own branded factory seconds, surplus stock, experimental stock or discontinued lines.

Condition 9 relates to Retail Warehousing. It reads;

The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 1989: -

- (a) DIY materials, products and equipment;
- (b) Garden materials, plant and equipment;
- (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;
- (d) Such other items as may be determined in writing by the Department as generally falling within the category of 'bulky goods'.

The 'reason' for both conditions is as follows;

"To control the nature, range and scale of the commercial activities to be carried on at this location; to ensure compliance with objectives and policies for town centres and retail development and to ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping."

A detailed Reserved Matters approval was subsequently granted (T/2002/0222/RM) for the provision of the factory outlet centre and retail warehousing. Amongst other planning permissions associated with the retail and leisure park, was planning permission reference T/2014/0507/F, granted 29<sup>th</sup> July 2015 which relates to the application site and remains extant until 28<sup>th</sup> July 2020.

The description of development for that stand alone full planning permission was "Change of use of Unit 2 to incorporate relocation of 1,100sqm of the 2,200sqm of factory outlet centre/retail warehousing floorspace permitted under T/2010/0002/F (no new floorspace)".

The description of development for that planning permission is considered to be unclear, however, when read in the context of the wider planning history, it seeks to have the application site (unit 2) permitted as a 'factory outlet centre' or 'retail warehousing'. Both a factory outlet centre and retail warehousing are Class A retailing uses and despite the limitation suggested within the description of development there can be no enforceable restriction on the type of retail carried out, other than through the use of a planning condition. In this case a planning condition was attached.

Condition 2 reads;

The floorspace shall be used only for the retail sale and ancillary storage of items listed hereunder and for no other purposes, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

- (a) DIY materials, products and equipment;
- (b) Garden materials, plant and equipment;
- (c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;
- (d) Such other items as may be determined in writing by the Council as generally falling within the category of 'bulky goods'.

Reason: To ensure that the nature, range and scale of the specialised retail activities to be carried out at this location are controlled.

This condition limits the retailing offer to bulky goods only and does not address the Factory Outlet element that was referred to in the description of development that was being applied for and subsequently granted planning permission. This has the effect that the planning condition seeks to prohibit the use, or at least part of the use that was permitted under the grant of planning permission. This means that the condition could be a nullity.

A further layer of complication is that the wording of the condition appears as attempting to restrict the range of goods that could be sold from the premises but mistakenly refers to "Class 1" of the Schedule to the Planning (Use Classes) Order (NI)

2015". No such legislative provision exists and it is considered that Condition 2 is not precise and could fail the legal tests for planning conditions.

Whilst the planning condition was not challenged by way of an application or appeal which would seek to vary or remove the condition, there remains a doubt over its standing and enforceability. Ultimately, the permission (T/2014/0507/F) may allow for the retailing already being carried out. In these circumstances it is considered that some weight must be attributed to the fact that the store, whilst not immune from enforcement action, has now been operational for a considerable period of time.

### **Traffic and Transport**

The Poundland Outlet store at The Junction Retail and Leisure Park is indicated by the agent as having been trading from Unit 2 since September 2015. The provision of car parking spaces associated with this use has been accommodated within the much larger car park of the retail and leisure complex. The Council has not received any complaints that there is insufficient car parking available at The Junction. DfL Roads has offered no objections to the retention of the store. For these reasons it is considered that the provision of car parking spaces for Poundland as accommodated within the much larger car parking provision associated with The Junction is acceptable.

### **Socio-Economic Matters**

The SPPS, at paragraph 4.19, states that planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. It goes on to state that planning authorities should recognise and encourage proposals that could make an important contribution to sustainable economic growth when taking decisions. Paragraph 4.20 states that when taking into account the implications of proposals for job creation, planning authorities should emphasise the potential of proposals to deliver sustainable medium to long term growth.

In the case of Poundland it is noted that the store has been operating continuously since approximately September 2015, employs 25 people generating circa £225,000 in salaries with £64,000 in rates.

One of the core principles of the SPPS is supporting sustainable economic growth. In light of the advice provided by the SPPS with respect to this core planning principle, it is accepted that this scheme will afford positive long term socio-economic benefits to both Antrim and the wider Council area and these are matters which weigh in favour of the proposal.

## **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered acceptable and it is not considered that the proposal would result in a detrimental impact on the vitality and viability of Antrim Town Centre or other established centres within the catchment.
- It has been demonstrated that the application site is a sequentially preferable location and an acceptable case of need has been made.

- Planning permission T/2014/0507/F is ambiguous in its description of development, has a contradictory and potentially flawed planning condition which it is considered would not meet the tests for planning conditions set out in the SPPS.
- Traffic and transport issues are acceptable.
- The retention of this retail offer will afford positive economic benefits to Antrim and the wider Council area, which weighs in favour of the proposal.
- There are no objections from consultees or interested third parties.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
-----------------------	----------------------------------

<b>PROPOSED CONDITIONS</b>
----------------------------

1. Planning permission for the development is granted from the date of this decision notice.

Reason: To comply with the requirements of Section 55 of the Planning Act (Northern Ireland) 2011.

2. The gross retail floorspace of Unit 2 hereby approved and as edged red in Drawing Ref: 01/1, date stamped received 9<sup>th</sup> March 2020, shall not exceed 1092 square metres when measured internally.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

3. The net retail floorspace of Unit 2, as edged red in Drawing Ref: 01/1, date stamped received 9<sup>th</sup> March 2020, shall not exceed 818 square metres when measured internally.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

4. Of the 818 square metres net retail floorspace hereby approved within Unit 2, as edged red in Drawing Ref: 01/1, date stamped received 9<sup>th</sup> March 2020, no more than;

- 82 square metres (10%) shall be dedicated to the sale and display of Bulky Comparison Goods.
- 474 square metres (58%) shall be dedicated to the sale and display of Non-Bulky Goods; and
- 262 square metres (32%) shall be dedicated to the sale and display of Convenience Goods

and for no other purpose including any other purpose in Class A1: Shops of the Schedule to the Planning (Use Classes) Order (NI) 2015.

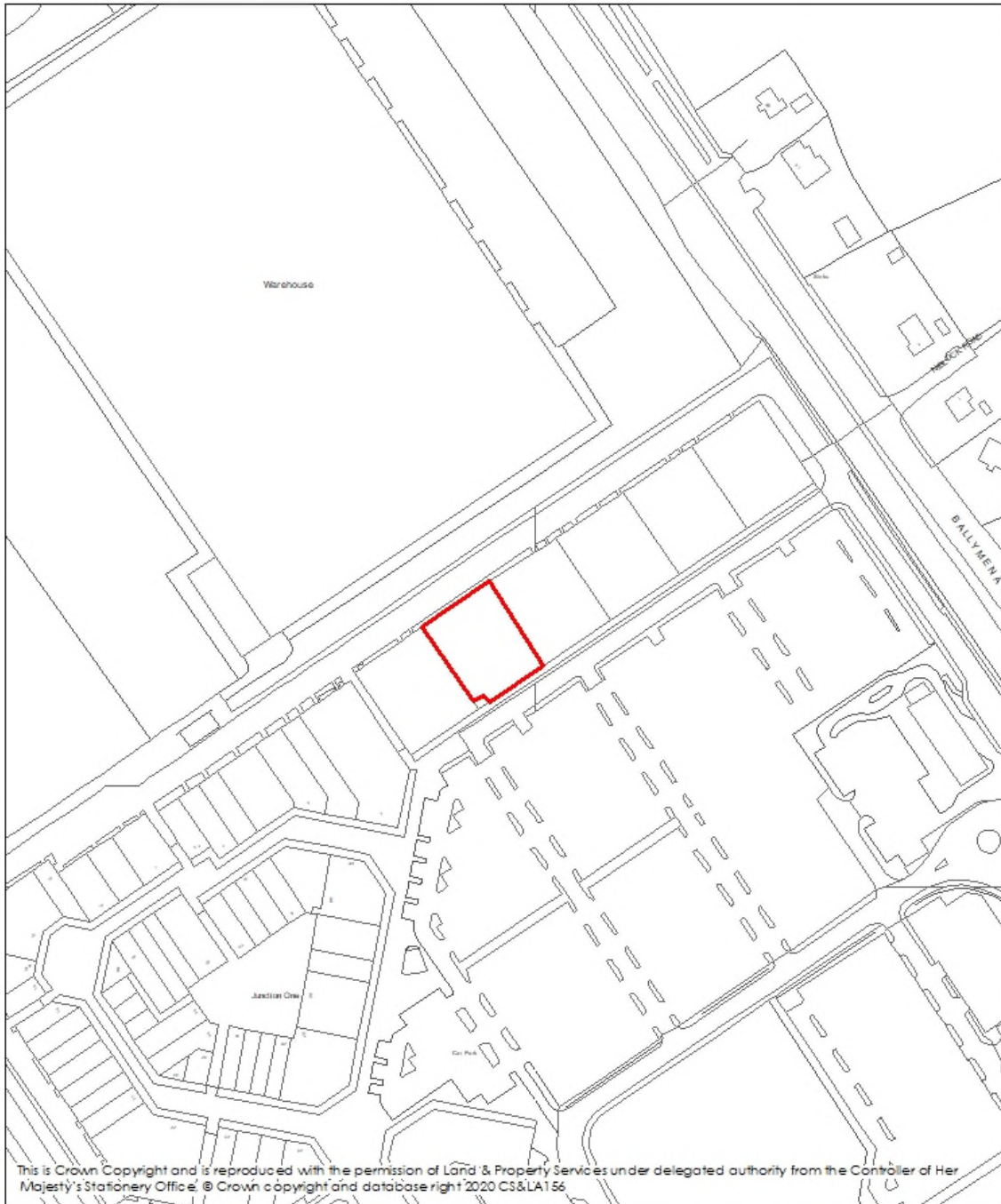
Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

5. Unit 2, as identified edged red in drawing ref: 01/1, date stamped received 9<sup>th</sup> March 2020 shall not be sub-divided into independent or separate retail units without the prior permission in writing of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

6. With the exception of the floor space hereby approved for Class A1 retailing and as indicated in Drawing Ref: 02/1, date stamped received 9<sup>th</sup> March 2020, no other internal operations, including the construction of mezzanine floors shall be carried out at the site to increase the gross floorspace available without the prior permission of the Council in writing.

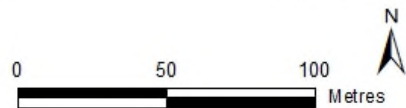
Reason: To enable the Council to exercise control over the nature, range and scale of the retailing and leisure activity to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres.



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2020 CS&LA156

### Location Map

Application Reference: LA03/2020/0031/F.  
 Location: Retail warehouse unit 2, The Junction, Antrim.  
 Proposal: Retention of existing mixed use retailer.



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.8</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0928/F</b>
<b>DEA</b>	<b>GLENGORMLEY URBAN</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Erection of 2no. detached dwellings (and retention of existing dwelling)
<b>SITE/LOCATION</b>	34 Glebecoole Park, Newtownabbey, BT36 6HX
<b>APPLICANT</b>	Stephen Heatley
<b>AGENT</b>	Paul McGeough
<b>LAST SITE VISIT</b>	15 <sup>th</sup> January 2020
<b>CASE OFFICER</b>	Sairead de Brún Tel: 028 903 40406 Email: <a href="mailto:sairead.debrun@antrimandnewtownabbey.gov.uk">sairead.debrun@antrimandnewtownabbey.gov.uk</a>
<b>SITE DESCRIPTION</b>	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as designated in the draft Belfast Metropolitan Area Plan (published 2004 and 2014).</p> <p>The site at No. 34 Glebecoole Park, comprises a two-storey semi-detached dwelling, with two domestic outbuildings and a smaller greenhouse situated to the rear. Well established mature trees and hedging define the southern, eastern and western site boundaries and the northern roadside boundary is defined by a mature hedge, approximately 2 metres in height. A wrought iron gate and two pillars on the northern boundary demarcate the vehicular access to the front of the dwelling, where there is a paved car parking area. To the east and extending to the south of the dwelling is a substantial sized garden area. Land within the site is relatively flat.</p> <p>The application site is located in an existing residential area and is bounded on two sides by existing properties. The area is characterised mainly by two storey semi-detached, red-brick dwellings with some rendered properties. Lilian Bland Pavilion is to the northwest of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2018/0843/F  Location: 32 Glebecoole Park, Newtownabbey  Proposal: 4no. residential apartments with parking, landscaping and associated site works  Decision: Permission Granted (08.01.2019)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan (BUAP): The application site is located on unzoned land within the development limit of the Belfast Urban Area. Policy H7 Infill Housing applies.

Draft Belfast Metropolitan Area Plan (both versions): The application site is located on unzoned land within the settlement limit of Metropolitan Newtownabbey.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

## **CONSULTATION**

**Council Environmental Health Section** – No objections

**Northern Ireland Water** – Recommends refusal due to current capacity problems at Whitehouse WWTW

**Department for Infrastructure Roads** – Further amendments are required

## REPRESENTATION

Seven (7) neighbouring properties were notified and five (5) letters of representations have been received from five (5) addresses. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

A summary of the key points of objection raised is provided below:

- Inappropriate design and form of development;
- Impact on character and appearance of the area;
- Overdevelopment of the site;
- Loss of privacy and overlooking;
- Overshadowing and loss of light;
- Increase in traffic and impact on road safety;
- Inadequate sewerage provision for additional units;
- Drainage and flood risk concerns;
- Increase in noise;
- Loss of trees and impact on wildlife; and
- Loss of a view.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Parking Provision
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

### Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey. Policy H7 of BUAP Infill Housing is relevant and advises that proposals for infill housing, such as that

proposed, may raise problems in relation to the amenity and character of existing residential areas. Since publication of this Plan regional policy for the consideration of such proposals has been brought forward through Planning Policy Statement 7 As such, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and taking account of the guidance set out in the Creating Places design guide.

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as a proposal not resulting in 'unacceptable damage to local character, environmental quality or residential amenity'.

### **Design, Layout and Appearance**

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

It must be noted that there are minor discrepancies between the submitted floor plans and the elevation drawings for the two proposed dwellings, in terms of the number and positioning of windows proposed.

The rear elevation for the dwelling on Plot 1, (also referred to as No. 34B on Drawing No. 02/1 date stamped 19th February 2020) shows three first floor windows to serve two bedrooms and a bathroom, whereas the floor plan for this dwelling shows only two bedroom windows. Also, the right hand side elevation drawing for this dwelling omits a bathroom window which is shown on the floor plan.

The front elevation for the dwelling on Plot 2, (also referred to as No. 34A on Drawing No. 02/1 date stamped 19th February 2020) shows two separate bedroom windows on the first floor, whereas the floor plan for this dwelling shows one continuous window.

As the proposal is being recommended for refusal, the applicant was not asked to amend the plans as this would incur added expense. As a consequence, the

assessment of the development has been made on the basis of the plan that shows the greatest number of windows.

The development proposal takes the form of backland development on a plot that has a depth of 58 metres and proposes the construction of two (2) detached dwellings with the retention of the existing semi-detached dwelling at No. 34 Glebecoole Park. The proposed dwellings are both two-storey in height, with a ridge height of 8.2 metres to finished floor level and external finishes to include dark grey concrete roof tiles, red brick work walls with smooth render detailing and pvc windows. The existing driveway at No. 34 Glebecoole Park will be retained to give access to this property and a new access is proposed at the most northeastern corner of the site to serve the proposed road frontage dwelling on Plot 2 (also referred to as No. 34A on Drawing No. 02/1 date stamped 19th February 2020). A third entrance will be created in the centre front of the application site and will run through the middle of the site to give access to the dwelling on Plot 1 at the rear (also referred to as No. 34B on Drawing No. 02/1 date stamped 19th February 2020). Each unit is provided with two in-curtilage parking spaces. The existing hedge between the application site and No. 36 Glebecoole Park will remain, as will the 1.8 metre high timber board fencing along part of the eastern boundary. The site layout shows new planting along the remaining section of the eastern boundary and to the western boundary. New grassed areas are indicated to the front of the application site and the rear of each of the three dwellings.

The surrounding context is predominantly medium density housing of a spacious suburban nature but with parcels of higher density housing opposite and to the north of the site. The area is characterised by two storey semi-detached dwellings, the majority of which have a hipped roof, on medium to large scale plots and set back along linear access roads or around small cul-de-sacs, with a front garden and a back-to-back arrangement. Existing dwellings are finished in a mix of red/brown brick and some roughcast render.

Concerns were raised within a number of objection letters with regards to the design of the proposed dwellings being out of keeping with the existing 1920's style housing that dominates the surrounding area. Whilst it is acknowledged there are some exceptions to this dominant house type in the surrounding area, these are limited, and accordingly it is considered that the concern raised by a number of objectors, that the proposed design does not fit in with the context of the surrounding area, is merited. The proposed dwelling at No 34A occupies a roadside plot and is clearly visible on approach from Glebecoole Park to the north of the site. The front elevation of this dwelling has a square bay window and a single storey, flat roof side extension that is angled to the main dwelling. Neither bay windows nor flat roofed, angled extensions feature heavily in the area. In terms of window and door size and positioning, there is no symmetry to the front façade, a feature that is very evident in the surrounding dwellings. While the dwelling at 34B to the rear of the site is somewhat hidden from public view, it too lacks symmetry on the front elevation, with a number of different window sizes and positioning that does not reflect the fenestration patterns in the locality. Taking this all into account, it is considered that the proposed design of both dwellings does not respect the design cues and context evident in the surrounding area.

Furthermore, both of the proposed dwellings appear confined and restricted in the plot in terms of the ratio between built form, hard landscaping and garden area. The dwelling to the rear of the application site lacks any defined front curtilage and is directly fronting onto a large area of hardstanding designated as a turning/parking area. This dwelling is also accessed via a new driveway that runs through the middle of the site for a distance of 30 metres, almost the entire length of the site. The number of access points along the northern boundary of the site dominates the roadside aspect of the development.

Considering all of the above, together with the retention of the semi-detached dwelling at No. 34 Glebecoole Park, which further adds to the intensity of the development, it is considered that the scheme does not respect the surrounding context in relation to its layout, design, scale, massing and ultimately represents overdevelopment and town cramming, and it therefore fails to meet Criterion (a) of Policy QD1 of PPS7 and Policy LC1 of the Addendum.

### **Private Amenity**

Criterion (c) of Policy QD1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Place: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater. Creating Places goes on to state that 'for any individual house, an area of less than around 40sqm will generally be unacceptable'.

For this proposed development, the average private amenity space has been calculated at approximately 50sqm, which falls short of the recommended level. The proposed dwellings and the existing dwelling each have three or four bedrooms, suggesting they will be occupied by families, and therefore a larger garden area should be provided. Furthermore, the existing dwelling at No. 34 Glebecoole Park is left with a rear garden area of less than 40sqm, as is the proposed dwelling to the front of the site, which has a rear garden area of just over 30sqm.

In addition to an insufficient level of amenity space being provided there are also concerns regarding the level of privacy afforded to the rear private amenity areas, in particular the privacy of No. 34 Glebecoole Park and the proposed new dwelling to the front of the application site. Both these garden areas have the potential to be overlooked by the proposed dwelling to the rear of the application site, which is positioned only 9.5 metres from the back gardens.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. As noted above, the overall development is dominated by built form with a lack of landscaped areas to soften the visual impact of the development and to assist in its integration.

It is considered that the proposal fails to meet with Criterion (c) in that the amount and privacy of rear amenity areas is lacking, as are landscaped areas as an integral part of the overall development scheme.

**Parking Provision**

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The proposal provides two in-curtilage parking spaces for each of three residential units, giving a total of six parking spaces. According to Parking Standards, nine spaces are required, with this proposal falling short of providing the mandatory number. This deficit not only creates the potential for parking along footpaths and the public road, leading to concerns over road safety, but of itself is indicative of concerns regarding the overdevelopment of the site.

**Neighbour Amenity**

Criterion (h) of Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The application site is bounded on two immediate sides by residential properties at No. 1 and No. 3 St Quentin Park to the east and No. 36 Glebecoole Park to the west. There are also dwellings across the public road to the northeast and northwest of the site.

A well designed layout should seek to minimise overlooking between these dwellings and provide adequate space for privacy. Creating Places advises that a separation distance of greater than 20 metres is appropriate to minimise overlooking. This distance however is not achievable on the proposed site, as the new dwelling to the rear (No. 34B on Plot 1) is positioned less than 20 metres from both the proposed dwelling at No. 34A (Plot 2) and the existing dwellings at No. 34 and No. 36 Glebecoole Park. Also, the new dwelling at No. 34B has three bedroom windows to serve the two bedrooms on the upper front elevation. Notwithstanding the proposed boundary walls and fencing, with an insufficient separation distance between existing and proposed dwellings, it is considered that there is the potential for overlooking from No 34B into Nos. 34, 36 and the new dwelling at No 34A Glebecoole Park.

Existing vegetation along the northern boundary between the application site and No. 36 Glebecoole Park is to be removed and replaced with only three new trees and a flat garden area. The removal of this vegetation will allow for further views of the rear of No. 36 and its private amenity area from the proposed dwelling at No 34B.

The dwelling at No. 34B is positioned with the gable parallel to the common boundary with Nos. 1 and 3 St. Quentin Park to the east, with a separation distance of 1.5 metres to this boundary, and an overall separation of 27 metres from the proposed dwelling to the rear of the existing dwelling. First floor windows on the side elevation will serve the landing, with ground floor windows to a utility and W/C. As noted above, the front elevation has three bedroom windows.

The existing vegetation along this southeastern boundary of the site is to be removed and replaced with four silver birch trees and some grassed areas. The removal of this boundary, together with the small separation distance to the common boundary, could give rise to overlooking into the rear of Nos. 1 and 3 St. Quentin Park and their

private amenity area, which is approximately 40 metres long. The proposed dwelling at No. 34B is located half way down the length of this existing garden and at this distance, any possible overlooking will be restricted to that part of the garden furthest from the dwelling, which would not normally be used as frequently as the area immediately to the rear of the dwelling. Furthermore, it is considered that the appropriate placing of non-habitable room windows on the side elevation will offset any potential for any overlooking, so that the privacy of rear amenity areas will not be significantly affected.

Nos. 1 and 3 St. Quentin Park also raised concerns with regards to the overlooking of their properties. While the proposed dwelling at No. 34B is positioned parallel to the common boundary, it is also angled towards the rear of the existing building at Nos. 1 and 3 St. Quentin Park, so that the front elevation of the proposed dwelling is looking into the rear of the existing dwelling, with an overall separation distance of approximately 27 metres between the two elevations. Despite there being three, first floor bedroom windows on the proposed dwelling, it is considered that the potential for overlooking is significantly reduced by the separation distance which is in excess of the standards in Creating Places. It is considered that the level of any overlooking would not be such to cause a detrimental impact on the privacy of the residents of this property.

The objectors at No. 1 and No. 3 St Quentin Park and No. 36 Glebecoole Park have also raised concerns regarding loss of light and overshadowing of their dwelling from the proposed development. As this application site is on a southern site and given the movement of the sun in an east to west direction, No. 36 Glebecoole Park to the north, should not be unduly affected by overshadowing or experience a significant reduction in the amount of daylight. It is considered that the existing properties on St Quentin Park would only be affected by overshadowing in the late evening, with just a small section of the garden potentially being overshadowed. As outlined above, this property is at a distance of 27 metres away from No. 34B; which is deemed sufficient to ensure loss of light is not an issue. The proposed dwelling at No. 34A is to the north of Nos 1-3 St Quentin Park and will not cause overshadowing or loss of light.

The new driveway required to access the proposed dwelling at the rear runs right through the middle of the application site, and past the gable of both No. 34 Glebecoole Park and the proposed dwelling at No. 34A Glebecoole Park. This arrangement gives rise to concerns of noise and light disturbance on residents of the two dwellings at the front, from vehicles accessing the dwelling to the rear.

No. 36 Glebecoole Park is a semi-detached dwelling, sharing a party wall with No 34. The residents of No. 36 have raised a concern regarding everyday noise coming from the attached dwelling, in terms of general conversations, televisions and gaming consoles and have asked that No. 34 is provided with an appropriate level of sound insulation. Noise complaints cannot be considered under the remit of this planning application, as such complaints are investigated under a separate legislation, namely the Clean Neighbourhoods and Environment Act (NI) 2011. Should the objector consider the level of noise to be at an unacceptable level, they should submit a complaint to the Environmental Health Section of the Council. Noise disturbance in association with the construction of the development may be an issue but this will be for a temporary period only and on completion of the development, should cease to be a concern.

**Impact on the Character and Appearance of the Area**

The surrounding area is characterised by linear rows of semi-detached dwellings, with garden areas to both the front and back, finished in red brick or roughcast render. This proposal seeks to introduce a backland style of development, on a plot that is 22 metres less than the recommended depth of 80 metres for such development (DCAN 8). The resultant layout does not reflect, nor does it respect, the existing pattern of development in the area. Whilst the new apartment schemes on the plot adjacent to the application site, and at Orwood Mews are acknowledged these in themselves do not render the current application acceptable. In this regard, it is considered that the proposal will result in the unacceptable overdevelopment of the site which will have a detrimental impact on the character of the existing residential area.

**Other Issues***Access and Road Safety*

A number of points raised by the objectors relate to the access and potential impact on vehicular and pedestrian safety.

In its initial consultation response, DfI Roads requested a number of amendments which included visibility splays of 2.4 x 45 metres in both directions; all details of the works required to provide the visibility splays; dropped kerbs at the access points; and in-curtilage parking spaces reconfigured to be of an appropriate width and length.

In response to receipt of an amended site layout on 19<sup>th</sup> February 2020, DfI Roads advised that the access arrangements are still not satisfactory and further revisions are required, which included revisions previously requested.

As the applicant has not demonstrated that suitable access arrangements can be achieved, it is considered that the proposal fails to meet with Policy AMP 2 of PPS 3 and therefore is deemed not acceptable.

*Disposal of sewerage and surface water*

An issue raised in the objection letters refers to concerns regarding the disposal of waste and surface water and the subsequent flood risk emanating from the development proposal. Whilst an initial consultation response made by NI Water indicated that the facilities at the Whitehouse Wastewater Treatment Works (WWTW) are currently available to serve the development, in subsequent correspondence it has advised this response was made in error. NI Water has now advised that there is no capacity currently available at the Whitehouse WWTW to accommodate the proposal and it recommends that the application should therefore be refused on this basis.

*Increased light pollution*

Given the urban context in which the application site is located, even with additional lighting to serve the development, it is considered that the amount of light emitted from the development will not adversely affect the neighbouring properties or the surrounding area.

*Impact on trees and wildlife*

Concerns raised by objectors relate to the possible impact on wildlife habitats in the application site and adjacent properties. The site boundaries are defined by mature

and well established hedging and trees, part of which will require removal to allow for the construction of the two new dwellings. The removal of this vegetation has the potential to impact on bats, birds, badgers and other species of animals and insects.

In the first instance, a Biodiversity checklist should be completed by the applicant to ascertain whether an ecological assessment or survey needs to be submitted. However, as the recommendation is to refuse this application, the request for any further information has not been made so as not to put the applicant to any undue expense.

#### *Loss of a View*

Objectors raised a concern regarding the loss of a view from their property if this proposal were to be permitted and built. The loss of a private view is however not generally considered to be a material consideration, unless there is a significant adverse impact on their amenity arising. The amenity impact of the scheme has been addressed above and accordingly no determining weight is therefore being given to this matter.

### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable;
- The development does not respect the character of the surrounding area;
- There are concerns in relation to neighbour amenity in terms of overlooking;
- It has not been demonstrated that a safe and appropriate access and parking arrangement can be provided;
- There is insufficient provision of private amenity areas;
- NI Water has advised there is insufficient capacity available in Whitehouse WWTW to accommodate the proposal; and
- It has not been demonstrated that the proposal will not have a detrimental impact on wildlife and protected species by way of loss of mature landscaping.

### **RECOMMENDATION**

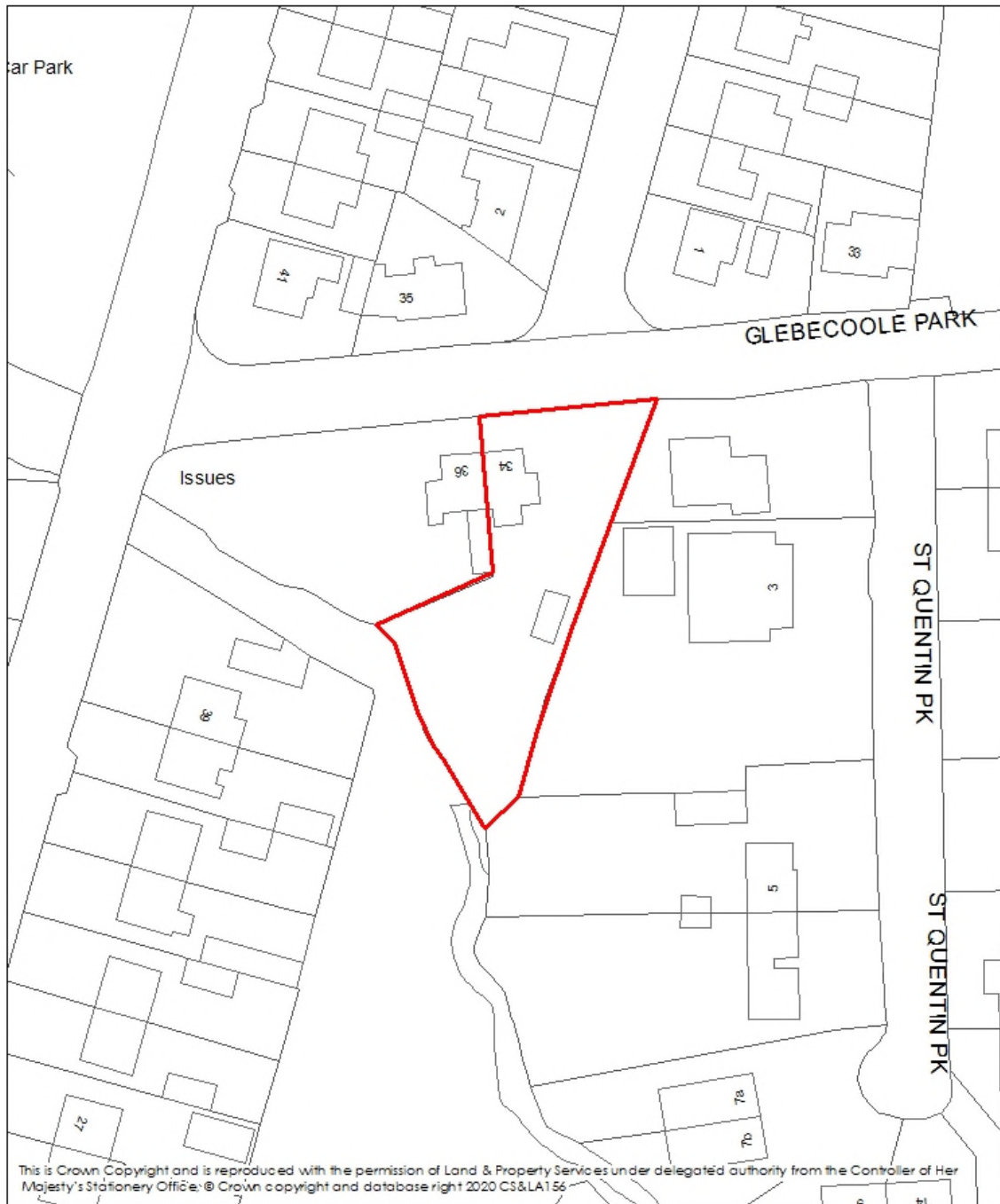
### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of PPS 7 'Quality Residential Environments' and Policy LC 1 of the Addendum to PPS 7, in that the proposed development represents an overdevelopment of the site as:
  - (a) it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, design, scale and massing;
  - (b) the proposed development would result in a pattern of development that is not in keeping with the overall character and environmental quality of this established residential area; and
  - (c) the layout will have an adverse impact on the amenity of existing and proposed residents in terms of overlooking; and there is inadequate provision of private amenity areas.
2. The proposal is contrary to Policy AMP 2 of PPS 3, 'Access, Movement and Parking', in that it has not been demonstrated that the development proposal would not, if permitted, prejudice the safety and convenience of road users as a


safe and appropriate access arrangement has not been proposed in accordance with the standards contained in 'Creating Places' and Development Control Advice Note 15.

3. The proposal is contrary to Planning Policy Statement 2 'Planning and Nature Conservation' in that it has not been demonstrated that the development proposal would not, if permitted, have a detrimental impact on wildlife and protected species by way of loss of mature landscaping.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



### Location Map

Application Reference: LA03/2019/0928/F.  
 Location: 34 Glebecoole Pk, Newtownabbey.  
 Proposal: Erection of 2no. detached dwellings  
 (and retention of existing dwelling).

 Site Boundary

0 10 20  
 Metres



<b>COMMITTEE ITEM</b>	<b>3.9</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0258/DCA</b>
<b>DEA</b>	<b>ANTRIM</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE CONSERVATION AREA CONSENT</b>
<b>PROPOSAL</b>	Demolition of dwelling and outbuildings
<b>SITE/LOCATION</b>	51b Riverside, Antrim, BT41 4BL
<b>APPLICANT</b>	Mr John Gribbin
<b>AGENT</b>	PJ Carey Architecture
<b>LAST SITE VISIT</b>	12 May 2020
<b>CASE OFFICER</b>	Steven McQuillan Tel: 028 903 40421 Email: <a href="mailto:Steven.McQuillan@antrimandnewtownabbey.gov.uk">Steven.McQuillan@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The site comprises 0.5 hectares consisting of a large derelict dwelling and extensive amenity space associated with the dwelling. The dwelling on the site appears to have been derelict and vacant for some time with slates missing from the roof, all openings have been boarded up and vegetation is overgrown. The site is defined on all sides by mature landscaping, comprising mainly of trees. Aerial photography would suggest there is a rear yard with an outbuilding, however, this was not accessible during the site inspection due to the overgrown nature of the site.</p> <p>The dwelling is a 2 storey building of plain architectural detailing with a pitched roof, painted rough render walls and cast iron rainwater goods. The building exhibits a classic solid to void ratio and balanced fenestration pattern with a vertical emphasis. There is an existing vehicular access with gates from Riverside, however due to the overgrown nature of the site, it is clear the access has not been used by vehicles for some time.</p> <p>The site is located in the 'Riverside' area of Antrim Town Conservation Area, which is an area of residential development south of the town centre historically associated with the former mill complex.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: T/2002/0320/O Location: Adjacent 51b Riverside, Antrim Proposal: Dwelling Decision: Permission Granted (01.07.2002)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 - 2001: The Plan offers no specific guidance on this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Antrim Town Conservation Area Guide: Supplementary Planning Guidance

## CONSULTATION

**Planning Section Conservation Officer** – Refusal recommended

**Historic Environment Division (Built Heritage)** – No objection subject to suitable redevelopment.

## REPRESENTATION

No neighbours were notified of the application as it relates to Conservation Area/Demolition consent.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Principle of Development
- Other matters

### Principle of Development

Section 104 (11) of the Planning Act (Northern Ireland) 2011 states:

*Where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of:*

- (a) Preserving the character or appearance of that area in cases where an opportunity for enhancing its character and appearance does not arise;*

*(b) Enhancing the character or appearance of that area in cases where an opportunity to do so does arise.*

Policy BH 14 of PPS 6 relates to demolition of buildings within a conservation area. It sets out that the demolition of an unlisted building in a conservation area will normally only be permitted where the building makes no material contribution to the character or appearance of the area.

The statutory test in considering this application is whether the development proposal will preserve or enhance the character or appearance of Antrim Town Conservation Area. The test in planning policy is whether the building makes a material contribution to the character of the Conservation Area.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) advises that, in the interests of preserving or enhancing the character or appearance of a conservation area, development proposals should comply with a range of stipulated criteria. One of the stated criterion mirrors the requirement by Policy BH 14 of PPS 6 to only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character and appearance of the area. Furthermore, the SPPS states that the development proposal should protect important views within, into and out of the area.

The current application seeks to demolish the existing dwelling and all outbuildings on the site. Whilst it is acknowledged that the classic vernacular appearance (form, materials and finishes) exhibited by the subject building (No. 51b Riverside) in itself would make a material contribution to the area (if brought back to use), it is noted that views from public vantage points of the building are essentially limited due to the existing mature vegetation around the site. Whilst it is noted that the building on site is not watertight, due to there being no roof, there is no other evidence presented with the application to demonstrate that the building is structurally unsound or could not be brought back into operation.

Historic Environment Division has been consulted and has no objection to the proposal. The Planning Section's Conservation Officer has advised that this building is likely to have been a grand and important building in the early 1800s with a clear relationship with the former paper mill complex. In general, Riverside is considered to retain a strong character reflective of its history and it is considered the subject building forms an important element of this character and potentially indicative of the hierarchical social pattern of development at that time. The Conservation Officer considers that the dwelling makes a material contribution to the character and appearance of the Conservation Area, despite it being vacant for some time and missing its roof covering. The building is considered to be an important element in the history of the area and would appear to be in its original form with little alteration over the years.

It is therefore considered that, in the context of this proposal, an opportunity does not arise for the enhancement of the character or appearance of the conservation area with respect to demolition of this building. Whilst the overgrown vegetation somewhat disguises the building, the site would require the overgrown landscaping to be addressed which will open up views of the building. It is acknowledged that any works to trees over 75mm diameter stem girth will require the consent of the

Council due to their protection under Section 127 of the above Act. It is considered the proposal is contrary to Policy BH 14 of PPS 6.

#### **Other Matters**

Under Section 91(6) of The Planning Act (Northern Ireland) 2011 (referred by Section 105(6)), it states consent may be granted subject to a condition that the building should not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides. Policy BH 14 also states where demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. In this case, no associated application has been approved or is currently with the Council for consideration, nor has any evidence or reasoning been submitted that would justify the demolition of the buildings proposed.

#### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

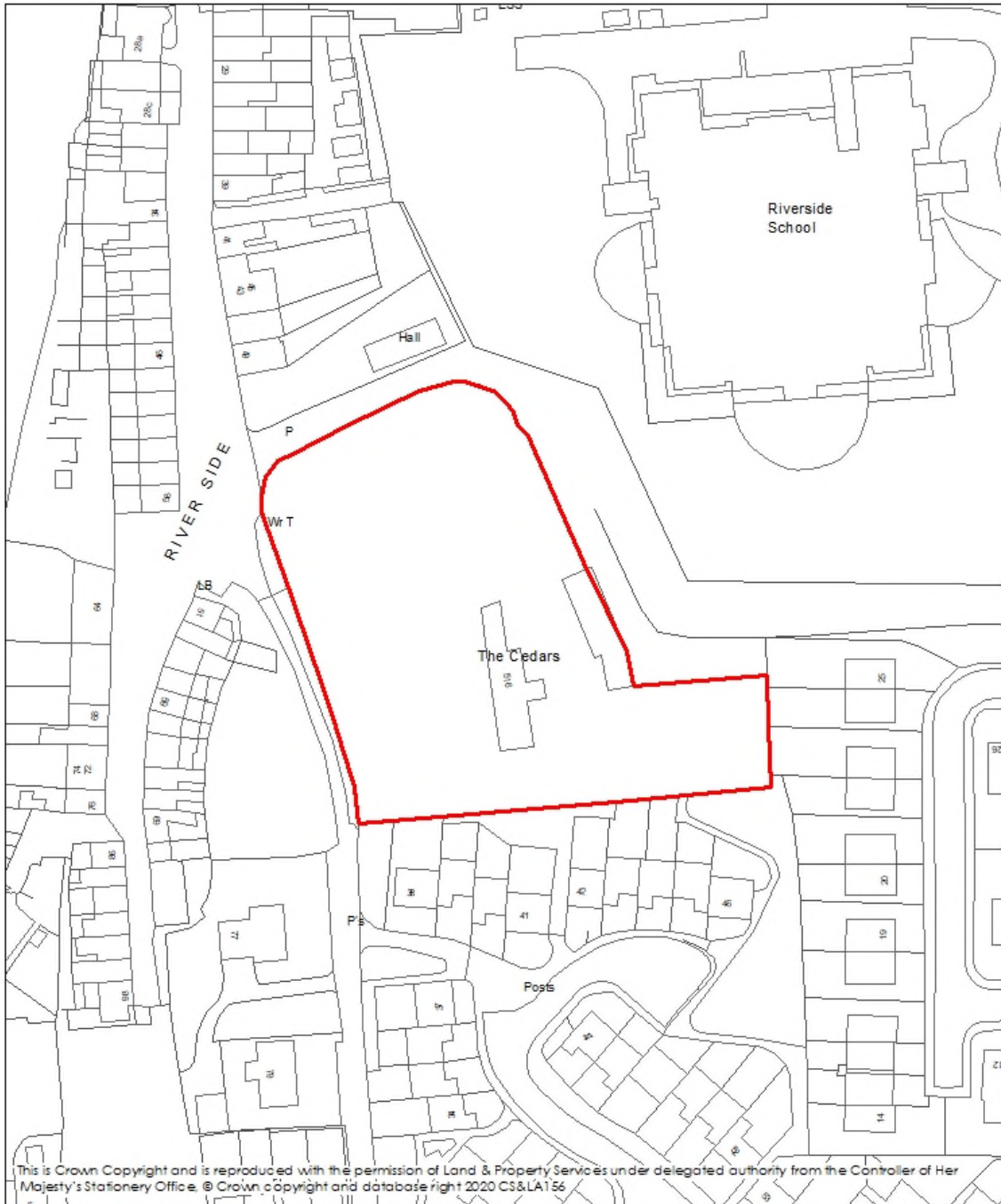
- The principle of the demolition is considered unacceptable as the subject building makes a material contribution to the character and appearance of the Conservation Area
- No justification has been provided to support demolition of the building, nor has any potential redevelopment of the site been put forward.

#### **RECOMMENDATION**

#### **REFUSE CONSERVATION AREA CONSENT**

#### **PROPOSED REASON OF REFUSAL**

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy BH14 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the proposed demolition of the buildings would, if permitted, have an adverse impact on the character and appearance of the Antrim Town Conservation Area and it has not been demonstrated that there are any exceptional reasons that would justify their demolition.




### Location Map

Application Reference: LA03/2020/0258/DCA

Location: 51b Riverside, Antrim.

Proposal: Demolition of dwelling and outbuildings.



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.10</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0260/F</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Replacement of redundant non-residential building and yard with single storey dwelling and garage including lands returned to grassland.
<b>SITE/LOCATION</b>	Lands 20m NW of 46 Kingsmoss Road, Newtownabbey, BT36 4TN
<b>APPLICANT</b>	David Reid
<b>AGENT</b>	Adam Sloan
<b>LAST SITE VISIT</b>	June 2020
<b>CASE OFFICER</b>	Sinéad McConnell Tel: 028 90340411 Email: <a href="mailto:sinead.mcconnell@antrimandnewtownabbey.gov.uk">sinead.mcconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located 20 metres northwest of No. 46 Kingsmoss Road, Newtownabbey. It comprises an existing building, which was previously attached to two recently replaced terraced dwellings at Nos. 44 and 46 Kingsmoss Road and as such does not benefit from a current use. The site is located in the countryside outside any settlement as defined by the draft Belfast Metropolitan Area Plan (2004).</p> <p>The building is situated directly onto the roadside, with a small yard area to the west. The replacement dwellings for Nos. 44 and 46 Kingsmoss Road which were approved under planning permission LA03/2016/0870/F are located directly to the south of the site set back some 20-30m from the road.</p> <p>The area is rural in character with scattered dwellings, approximately 350m from the settlement of Kingsmoss. Large electrical pylons are located southwest and northeast of the proposal site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
<p>Planning Reference: LA03/2016/0870/F.  Location: 44-46 Kingsmoss Road, Newtownabbey, BT36 4TN  Proposal: Demolition and replacement of existing 2 No. dwellings, re-sited away from road edge.  Decision: Permission Granted (19.01.2017)</p>	
<b>PLANNING POLICY AND GUIDANCE</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan (dNAP): The application site is located outside the settlement limit of any settlement as defined by the Plan and the Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located outside the settlement limit of any settlement as defined by the Plan and the Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located outside the settlement limit of any settlement as defined by the Plan and the Plan offers no specific guidance on this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

## **CONSULTATION**

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection subject to standing advice

**Department for Infrastructure Roads**- No objection subject to conditions

## REPRESENTATION

Three (3) neighbouring properties notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

### Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The site lies beyond the development limits of Newtownabbey and of Kingsmoss and therefore constitutes development in the Countryside under dBMAP. The policy context for determining this application is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and the Strategic Planning Policy Statement for Northern Ireland (SPPS).

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is a replacement dwelling in accordance with Policy CTY 3.

Policy CTY 3 sets out the criteria used to assess the acceptability of a proposal as a replacement dwelling, the key criterion under this policy is that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling. In this case the applicant has advised that the building proposed to be replaced is a redundant non-residential building. The policy further advises that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

The existing building is not listed and it is considered that it does not make an important contribution to the character of the area. The building is not currently in a state of disrepair and does not require demolition. PAC decision 2017/A0216 states; The policy requires that the proposed redevelopment brings significant environmental benefits and that the new dwelling does not have a visual impact significantly greater than the existing building.

It is considered that the removal of the existing building of some 100m<sup>2</sup> and its replacement with a larger building of some 165m<sup>2</sup> with garage and store of some 85m<sup>2</sup> would not bring any significant environmental benefits. The applicant has provided no supporting information regarding the environmental benefits that would be derived from this proposal. It is also considered that although the ground falls away from the Kingsmoss Road allowing some degree of integration, the proposed 1.5 storey dwelling with detached 1.5 storey garage and store, would have a visual impact greater than the existing building. As a consequence, the proposal does not meet Policy CTY 3 of PPS 21.

Policy CTY 1 of PPS 21 states that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. The applicant has provided no information in respect of why the development needs to be located in the countryside, thus the proposal fails to meet Policy CTY1 of PPS 21.

The principle of the development has not been established at the site.

### **Design and Appearance**

The proposal seeks the erection of 1.5 storey dwelling house with a footprint of approximately 165m<sup>2</sup> and a ridge height of 6.5m. No dormers or roof lights are proposed to the front elevation of the proposed dwelling, however, a rear projection is proposed with an upper floor window to a bedroom and two velux windows. There are no chimneys proposed.

The dwelling house is proposed to be finished in smooth render with a stonework front porch projection and grey slate roofing. A detached double garage is proposed with similar finishes, the garage is proposed to be set back and to the eastern side of the dwelling house.

Policy states that a proposed replacement dwelling should be sited within the established curtilage of the existing building, unless the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. In this case the applicant has proposed the dwelling is situated outside the established curtilage, and no rationale for this siting has been provided to the Council.

The design and appearance of the proposed dwelling is considered acceptable in this case, however, the out of curtilage location of the proposal is considered to be unacceptable.

### **Neighbour Amenity**

The proposed dwelling is to be set back from the public road and to the northwest of No. 46. Whilst the proposed dwelling is 1.5 storey, there will be limited impact on No. 46 in terms of overlooking with the proposed garage blocking any direct line of sight to the east and a substantial separation distance of 30m from the side garden of No. 46 which wraps around the rear of the proposal. It is considered there will be no adverse impact on the amenity of this property.

**Impact on Character and Appearance of the Area**

The proposed replacement dwelling is to be set back from the Kingsmoss Road, this is in keeping with the existing approvals granted under LA03/2016/0870/F. The proposed dwelling is of a larger size than the building it is seeking to replace and is proposed with an additional building in the form of a garage, however, the proposed replacement does benefit from a lower ridge height. As outlined above it is considered that the proposal with its additional building will have a significantly greater visual impact than the existing building and is unacceptable in terms of its impact on the character and appearance of the area.

**Other Matters**

The proposal involves the creation of a new access onto the Kingsmoss Road. DFI Roads has been consulted and advised it has no objections to the proposed means of access.

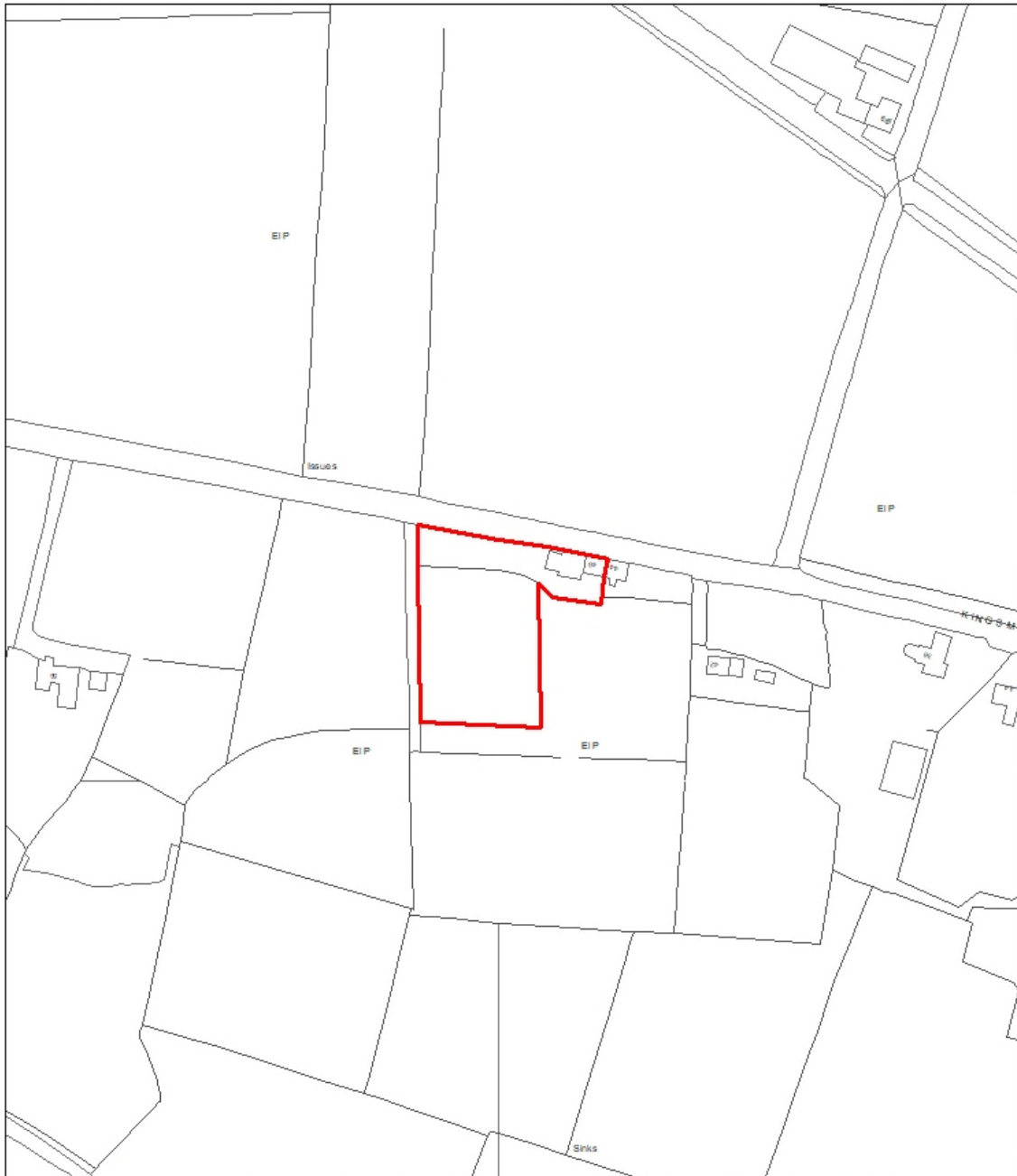
**CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established.
- The design and appearance of the proposal are considered acceptable.
- The layout of the site is considered unacceptable.
- There will be no adverse impact on the amenity of neighbouring properties; and
- There is an unacceptable impact on the character and appearance of the area.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside as:
  - (a) it has not been demonstrated that the proposal will bring significant environmental benefits to the locality;
  - (b) the dwelling is proposed to be located outside the established curtilage of the existing property; and
  - (c) the proposed dwelling would have a significantly greater visual impact than the building to be replaced.



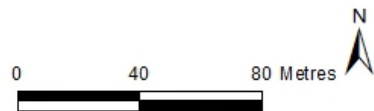
This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2020 CS&LA156


### Location Map

Application Reference: LA03/2020/0260/F.

Location: 20m NW of 46 Kingsmoss Road, Newtownabbey.

Proposal: Replacement of redundant non-residential building and yard with single storey dwelling and garage.



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.11</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0278/O</b>
<b>DEA</b>	<b>BALLYCLARE</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Site of dwelling and garage on a farm
<b>SITE/LOCATION</b>	Adjacent to and Approx. 45m North of 56 Carnanee Road, Templepatrick
<b>APPLICANT</b>	Mrs Mary Wylie
<b>AGENT</b>	Ivan McClean
<b>LAST SITE VISIT</b>	April 2020
<b>CASE OFFICER</b>	Sinéad McConnell Tel: 028 903 40411 Email: <a href="mailto:sinéad.mcconnell@antrimandnewtownabbey.gov.uk">sinéad.mcconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>SITE DESCRIPTION</b>	
<p>The application site is located to the north of 56 Carnanee Road, Templepatrick. The site is located in the countryside outside of any settlement as defined by the draft Newtownabbey Area Plan (dNAP) and both versions of draft Belfast Metropolitan Area Plan (dMAP).</p> <p>The application forms the north eastern corner of a much larger agricultural field. A new access is proposed onto the Carnanee Road which will run parallel to the north eastern boundary of the adjacent property, No. 56, this access opening up into a rectangular plot. The application site is undefined to the northwest and southwest, whilst the northeastern boundary is defined by existing vegetation in the form of a low hedgerow and the southeastern boundary adjacent to No. 56 is currently defined by existing mature vegetation. The southwestern boundary at the access point to Carnanee Road is currently defined by a low hedgerow and small grass verge. The site is generally flat with little variation in levels.</p> <p>The surrounding area is rural in character, with isolated farmsteads, however, there are a number of residential dwellings clustered together to both the east and west of the application site.</p>	
<b>RELEVANT PLANNING HISTORY</b>	
No relevant planning history.	
<b>PLANNING POLICY</b>	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted</p>	

Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located in the countryside outside any settlement limit as defined in these plans. They offer no specific guidance on this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

## **CONSULTATION**

**Council Environmental Health Section** – No Objections

**NI Water** – Generic Response

**DFI Roads** – No Objections.

**Department for Agriculture, Environment and Rural Affairs** – “Proposed site located on land associated with another business”

## **REPRESENTATION**

Two (2) neighbours were notified and no letters of representation have been received.

## ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to be considered in the determination of this application area:

- Policy Context and Principle of Development
- Integration and Character and Appearance of Area
- Neighbour Amenity

### **Policy Context and Principle of Development**

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18 May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission

will be granted for an individual dwelling house. Policy CTY 10 Dwellings on Farms indicated that planning permission will be granted for a dwelling on a farm where all of the following criteria can be met;

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group(s).

*Criterion (a) – Farm activity and establishment*

Agricultural activity for the purposes of planning policy is defined as the production, rearing or growing of agricultural products, including harvesting, milking, breeding animals and keeping animals for agricultural purposes and also includes maintaining the land in good agricultural and environmental condition.

The Department for Agriculture Environment and Rural Affairs - Countryside Management Branch Inspectorate (DAERA) was consulted as part of the application. DAERA has responded confirming that the Farm Business ID identified on the P1C form has been in existence for more than 6 years, however, the business has not claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment schemes. DAERA clarified the Business ID identified on the P1C form was issued in 2010, and that the site proposed for a farm dwelling in this application is located on land associated with another business.

The applicant has submitted a letter from her accountant indicating that she continues to run the farm business previously carried on by her husband from the date of his death up to present time. The letter advises that Mrs Wylie has been registered with HMRC both for income tax and VAT purposes in relation to the farm business, and that her tax and VAT affairs are presently up to date. It further adds that Mrs Wylie is responsible for all business decision-making, and is exposed to associated business risks.

During the processing of the application, the applicant's agent was asked to submit further information to demonstrate that the applicant has maintained the land in good agricultural condition for the last six years e.g. invoices for work undertaken each year. To date the information requested has not been submitted. As a consequence, it is considered that the applicant fails to meet criterion (a) of Policy CTY 10.

*Criterion (b) – sites previously sold off*

Policy CTY 10 goes on to advise that planning permission granted under this policy will only be forthcoming once every 10 years. For the purposes of this policy 'sold off'

means any development opportunity disposed of from the farm holding to any other person including a family member.

The applicant has confirmed that no dwellings or development opportunities have been sold-off from the farm holding. A search of the business ID and a history search of the applicant's name and farm maps has found no recent planning permissions. It is therefore considered that the application meets the relevant policy requirements identified under criterion (b).

*Criterion (c) – siting requirements*

The host field for the application is a single field located some 350m northwest of the cluster of seven fields which comprise the remainder of the farm holding. There are no farm buildings indicated on the farm maps provided by the applicant. It would appear that the applicant currently resides in No. 56 Carnanee Road, immediately adjacent to the application site. There are three agricultural style buildings to the rear of this property, which appear to fall within the ownership of the applicant. As these buildings lie adjacent to the site it is considered that the proposed site would be visually linked with the buildings on the farm.

Overall, it is considered that the proposal fails to meet Policy CTY1 and CTY 10 of PPS 21 in that it has not been demonstrated that the farm is currently active and established and as such the principle of the development is not acceptable.

**Integration and Character and Appearance of Area**

As the application seeks outline permission limited details have been provided in relation to the design and appearance of the dwelling proposed.

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting and respect rural character. Policies CTY 13 and CTY 14 of PPS 21 state that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where it would be a prominent feature in the landscape and as such would not integrate and is of an inappropriate design for the site and its locality.

In this case the application site is set back from the public road by some 90 metres and consists of a corner of a much larger agricultural field. Whilst the topography of the site is generally flat, the site lacks any boundary defined to the northwest or southwest. Critical views of the site are viewed when travelling east along the Carnanee Road where it is viewed across an open field and as a consequence it does not benefit from mature landscaping or topography for screening or to act as a backdrop.

It is considered the proposal fails to meet Policy CTY 13 of PPS 21 as a dwelling on the proposed site will be a prominent feature and will not integrate with the surrounding landscape.

**Neighbour Amenity**

The closest residential dwelling to the application site is located approximately 30 metres southwest at 56 Carnanee Road. A dwelling on the site proposed will have little impact on neighbouring properties, in terms of loss of privacy, overlooking and

loss of light. The Environmental Health Section was consulted and offered no objections to the proposal.

### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development has not been established.
- The proposed site for a farm dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding; and
- The site for the proposed dwelling will fail to integrate into the landscape.

### **RECOMMENDATION**

### **REFUSE OUTLINE PLANNING PERMISSION**

### **PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and established.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of PPS 21: Sustainable Development in the Countryside, in that a dwelling on the site proposed would fail to integrate into the landscape.




### Location Map

Application Reference: LA03/2020/0278/O

Location: 45m N of 56 Carnanee Road, Templepatrick.

Proposal: Site of dwelling and garage on a farm.



 Site Boundary



<b>COMMITTEE ITEM</b>	<b>3.12</b>
<b>APPLICATION NO</b>	<b>LA03/2019/0822/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed dwelling and integral garage (Change of house type in substitution of approval LA03/2017/1027/RM)
<b>SITE/LOCATION</b>	50m NE of 101 Oldstone Road, Killealy, Muckamore
<b>APPLICANT</b>	Miss Robyn McBride
<b>AGENT</b>	Robert Logan Chartered Architect
<b>LAST SITE VISIT</b>	29 <sup>th</sup> October 2019
<b>CASE OFFICER</b>	Kieran O'Connell Tel: 028 903 Ext40423 Email: <a href="mailto:Kieran.oconnell@antrimandnewtownabbey.gov.uk">Kieran.oconnell@antrimandnewtownabbey.gov.uk</a>
<p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>This application was previously presented to Members at the January 2020 Planning Committee meeting with a recommendation to refuse planning permission for the following reason:</p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and criteria (e) of Policy CTY 13 of Planning Policy Statement 21 'Sustainable Development in the Countryside', in that the design of the proposed dwelling is inappropriate for the site and its locality.</li> </ol> <p>The Committee deferred the application to provide an opportunity for the applicant to discuss an amended design with Officers.</p> <p><b>Principle of Development</b></p> <p>Following the January Planning Committee meeting it should be noted that both the Outline and Reserved Matters permissions at this site expired on 28/01/2020. However, the applicant indicated that works had commenced on site for the dwelling approved at Reserved Matters Stage (LA03/2017/1027/RM and subsequently submitted a Certificate of Lawful Development (ref: LA03/2020/0411/LDP) that was certified on 30 June 2020. As it has been demonstrated through the CLUD that the previous grant of planning permission has been commenced, the applicant has established a lawful fall-back position and as a consequence, Officers are satisfied that the principle of development for a dwelling at this site has been established.</p> <p><b>Design and Appearance</b></p> <p>Policy CTY 13 of Planning Policy Statement 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The Policy states that a new building will be unacceptable where the design of the building is inappropriate for the site and its locality. The Strategic Planning Policy Statement (SPPS) reinforces</p>	

this and states that in all circumstances proposals for development in the countryside must not have an adverse impact on the rural character of the area.

The applicant has now submitted a revised scheme for consideration, which has relocated the proposed dwelling 15m closer to the southwestern boundary of the application site. This has helped to ensure that the proposed dwelling will be afforded greater integration due to its enhanced visual linkage with the cluster of the neighbouring agricultural buildings.

The dwelling proposed is substantial in size and scale, however the applicant now proposes to cut into the existing topography of the host field by up to 1m in depth and this will help to ensure that the overall height of the proposed building is more in line with the ridge height of the dwelling approved under the grant of outline planning permission. Drawing No. 08 illustrates that the approximate ridge height is 0.35m higher than that originally approved. It is considered that the level of cut into the existing field is not significant nor is it considered that a dwelling 0.35m higher than that previously approved is so significant that this would warrant refusal of the current proposal.

In addition to the amendments to the siting outlined above the applicant has fundamentally redesigned the proposed dwelling, which has reduced the overall massing of the building. The amendments proposed ensure that the dwelling, whilst still large, will not be particularly dominant in the landscape. The proposed front elevation (southwestern) measures 24.6m overall in length, however, this is now broken into three discreet sections, the first of which is a large fenestrated gable end measuring 7.6m in height. The central section around the entrance porch is reduced in height to 5.3m, whilst the final section introduces a higher pitched roof (6.5m). Furthermore a random stone finish is proposed to discreet elements of this elevation. Given the variation in design, the finishes proposed and the change in roof line combined with staggered building lines for the three sections, the front elevation of the dwelling is now considered to be acceptable.

With regard to the proposed side elevation (northwestern) this measures 19.8m in length and has a ridge height of 7.7m in height. It is considered to be reasonably uniform with the exception of two box dormers at first floor level and a 16.5m linear band of window, door and porch openings at ground floor level. This elevation could have been further improved to reduce the long linear sections of the building and break up the roof line to a greater extent, however, having considered the location of this elevation on what is a relatively minor road set back from the main A26 Oldstone Road, it is on balance considered to be acceptable.

The rear (northeastern) and southeastern side elevations of the proposed dwelling are not readily visible in the landscape and are considered to have limited public impact and are therefore considered acceptable.

With regard to the finishes the applicant proposes dark grey natural slate or flat tiles, white rendered walls with random stone wall to the front elevation, timber soffits, while the doors are to be wood and windows are to be finished in grey aluminium. The proposed finishes are considered to be acceptable.

**Neighbour Amenity**

As the proposed dwelling has been brought forward within the application site further consideration must be given to the impact on the amenity of the adjacent dwelling No.101 Oldstone Road. The proposed dwelling is 65m north east of No.101 Oldstone Road and is separated from No.10 by a number of large intervening agricultural buildings. It is considered that this separation distance coupled with the intervening buildings ensures that there will be no significant adverse impacts on the adjacent property. No other property in the area is considered to be impacted by this proposal.

**CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable given the relevant planning history of the site.
- The design and appearance of the proposed dwelling is considered acceptable.
- No neighbouring properties will be detrimentally impacted by the development.

**RECOMMENDATION****GRANT PLANNING PERMISSION****PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The permission hereby granted supersedes the previous approvals T/2014/0418/O and LA03/2017/1027/RM and one dwelling only shall be erected on the site.

Reason: To accord with application as submitted and prevent an accumulation of buildings in the countryside.

3. The proposed landscaping indicated on drawing No. 02/2 date stamped 30/06/2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained thereafter at a minimum height of 2 metres for hedging and 4 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

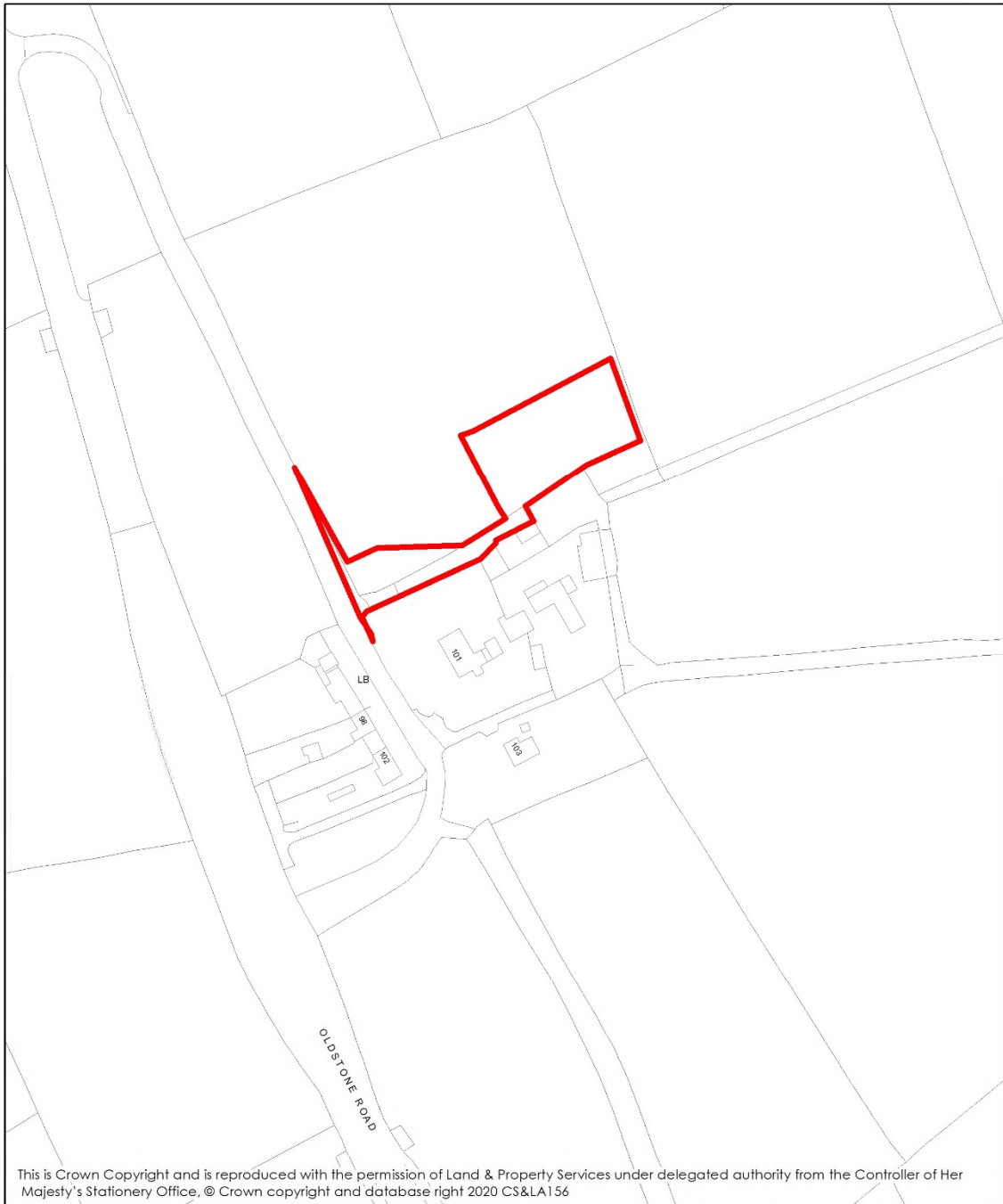
Reason: In the interests of visual amenity and biodiversity and to ensure the provision, establishment and maintenance of a high standard of landscape.

4. The existing hedgerow and vegetation as indicated on drawing No. 02/2 date stamped 30/06/2020 shall be retained at a minimum height of 2 metres and trees within the hedgerow shall be retained at 4 metres and shall be allowed to grow on or as agreed in writing with the Council

Reason: In the interests of visual amenity and biodiversity and to ensure the maintenance of screening to the site.

5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: In the interests of visual amenity and biodiversity and to ensure the continuity of amenity afforded by existing trees.



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2020 CS&LA156

### Location Map

Application Reference: LA03/2019/0822/F.  
 Location: 50m NE of 101 Oldstone Road, Killealy  
 Muckamore, Co Antrim, BT41 4SP  
 Proposal: Dwelling and integral garage  
 (Change of house type  
 in substitution of approval LA03/2017/1027/RM

 Site Boundary

0 30 60  
 Metres

